

# FEDERAL REGISTER

VOLUME 7



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Washington, Saturday, October 24, 1942

## The President

### PROCLAMATION 2569

ESTABLISHING THE CASCO BAY, PORTSMOUTH, NEW HAMPSHIRE, CAPE HATTERAS, KEY WEST AND LOS ANGELES MARITIME CONTROL AREAS AND PRESCRIBING REGULATIONS FOR THE CONTROL THEREOF

BY THE PRESIDENT OF THE UNITED STATES  
OF AMERICA

#### A PROCLAMATION

WHEREAS the United States is now at war, and the establishment of the maritime control areas hereinafter described is necessary in the interests of national defense:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, by virtue of the authority vested in me as President of the United States, and as Commander-in-Chief of the Army and Navy of the United States, and in accordance with the principle of self-defense of the Law of Nations, do hereby establish and proclaim the following-described areas as Maritime Control Areas, and prescribe the following regulations for the control thereof:

#### CASCO BAY MARITIME CONTROL AREA

All waters within the area enclosed by lines running as follows:

Beginning at a point on Small Point, Cape Small in approximate position Latitude 43°42'06" North, Longitude 69°50'03" West; thence due south through Fuller Rock Light to an approximate position Latitude 43°32'19" North, Longitude 69°50'03" West; and

thence due west to a point on Adam Head, Richmond Island, in approximate position Latitude 43°32'19" North, Longitude 70°13'48" West.

#### PORTSMOUTH, NEW HAMPSHIRE, MARITIME CONTROL AREA

All waters within the area enclosed by lines running as follows:

Beginning at Cape Neddick Light in approximate position Latitude 43°09'54" North, Longitude 70°35'30" West;

thence southeasterly to Boon Island Light in approximate position Latitude 43°07'16" North, Longitude 70°28'36" West; thence due south to approximate position Latitude 42°55'05" North, Longitude 70°28'36" West; and thence due west to a point on Great Boars Head in approximate position Latitude 42°55'05" North, Longitude 70°47'42" West.

#### CAPE HATTERAS MARITIME CONTROL AREA

All waters within the area enclosed by lines running as follows:

Beginning at a point on the beach near Swash Inlet in approximate position Latitude 34°58'02" North, Longitude 76°10' West; thence southeasterly to position Latitude 34°53' North, Longitude 75°58' West; thence due east to position Latitude 34°53' North, Longitude 75°31' West; thence northeasterly to position Latitude 35°05' North, Longitude 75°22' West; thence due north to position Latitude 35°08' North, Longitude 75°22' West; thence northwesterly to position Latitude 35°17' North, Longitude 75°28' West; and thence due west to the beach in approximate position Latitude 35°17' North, Longitude 75°30'43" West.

#### KEY WEST MARITIME CONTROL AREA

All waters within the area enclosed by the following parallels of latitude and meridians of longitude:

Between the parallels of Latitude 24°36' North and Latitude 25°10' North; and between the meridians of Longitude 81°23' West and Longitude 82°10' West.

#### LOS ANGELES MARITIME CONTROL AREA

That sea area lying within the following boundaries:

From Point Dume, California, to the Northwesterly point of Santa Catalina Island;

thence along the Northern shore of Santa Catalina Island to the Southeasterly point of that island;

from the Southeasterly point of Santa Catalina Island to Dana Point, California.

#### REGULATIONS FOR THE CONTROL OF THE ABOVE DESCRIBED MARITIME CONTROL AREAS

1. No vessel not proceeding under United States naval or other United

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States authorized supervision shall enter or navigate the waters of the said Maritime Control Areas except during daylight, when good visibility conditions prevail, and then only after specific permission has been obtained. Advance arrangements for entry into or navigation through or within the said Areas must be made, preferably by application at a United States Naval District Headquarters in advance of sailing, or by radio or visual communication on approaching the seaward limits of the area. If radio telegraphy is used, the call "NQO" shall be made on a frequency of 500 kcs, and permission to enter the port requested. The name of the vessel, purpose of entry, and name of master must be given in the request. If visual communications are used, the procedure shall be essentially the same.

2. Even though permission has been obtained it is incumbent upon a vessel entering the said Areas to obey any further instructions received from the United States Navy, or other United States authority.

3. A vessel may expect supervision of its movements within the said Areas, either through surface craft or aircraft. Such controlling surface craft and aircraft shall be identified by a prominent display of the Union Jack.

4. These regulations may be supplemented by regulations of the local United States naval authority as necessary to meet local circumstances and conditions.

5. Should any vessel or person within the said Areas disregard these regulations, or regulations issued pursuant hereto, or fail to obey an order of the United States naval authority, or perform any act threatening the efficiency of mine or other defenses, or take any action therein inimical to the defense of the United States, such vessel or person may be subjected to the force necessary to require compliance, and may be liable to detention or arrest, or penalties or forfeiture, in accordance with law.

The Secretary of the Navy is charged with the enforcement of these regulations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 21st day of October in the year of our Lord nineteen hundred and [SEAL] forty-two, and of the Independence of the United States of America the one hundred and sixtieth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,  
Secretary of State.

[F. R. Doc. 42-10716; Filed, October 23, 1942; 11:01 a. m.]

#### Regulations

#### TITLE 6—AGRICULTURAL CREDIT

##### Chapter I—Farm Credit Administration

###### Subchapter A—Administrative Provisions

[Farm Credit Administration Order 363]

###### PART 3—FUNCTIONS OF ADMINISTRATIVE OFFICERS

###### FUNCTIONS AND DUTIES OF DEPUTY GOVERNORS

Part 3 of Title 6, Code of Federal Regulations, is amended by adding a new § 3.3, as follows:

§ 3.3 *Functions and duties of Deputy Governors.* Deputy Governor C. W. Warburton is hereby placed in charge of the Washington Office of the Farm Credit Administration and will have general supervision of the Cooperative Research and Service Division. He will represent the Farm Credit Administration in its relationships with other agencies of the Department of Agriculture in Wash-

ton and will represent the Governor at meetings of the Department of Agriculture War Board.

Deputy Governor W. H. Droste will coordinate the activities of the Land Bank Division and the Mortgage Corporation Service Section, and will exercise general supervision over the Administrative Division, the Examination Division, and the Division of Finance and Accounts. In addition he will handle the coordination of the activities of the general agents' offices and assume general responsibility with regard to the elections of directors to the farm credit boards and to the board for the Central Bank for Cooperatives.

Deputy Governor J. E. Wells, Jr., will coordinate the activities of the Cooperative, Intermediate Credit, Production Credit, and Regional Agricultural Credit Divisions, and will exercise general supervision over the Economic and Credit Research Division, Information and Extension Division, Emergency Crop and Feed Loan Section, and Revolving Fund Section. (E.O. 6048, Mar. 27, 1933, 6 CFR 1.1 (m), Memorandum No. 846 Sec. of Agric., Jan. 6, 1940, sec. 40, 48 Stat. 51; 12 U.S.C. 636)

[SEAL]

A. G. BLACK,  
Governor.

[F. R. Doc. 42-10711; Filed, October 23, 1942;  
9:52 a. m.]

## TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary

[Amendment 2 to Temporary Rationing Order A<sup>1</sup>]

### PART 2—RATIONING OF FARM MACHINERY AND EQUIPMENT

#### NEW FARM MACHINERY AND EQUIPMENT

A new Schedule IV is added, a new paragraph (q) is added to § 2.1, paragraph (1) of § 2.1 is amended and § 2.29 (a) is amended, all as set forth below:

§ 2.1 *Definitions.* When used in Temporary Rationing Order A:

(1) "Person" means any individual, partnership, corporation, association, or other organized group of "persons" and shall include any agent, agency, or any "person" acting for or on behalf of any of the foregoing. The term "person" shall also include the United States or any agency thereof, and a State or any political subdivision or any agency thereof.

(q) "Manufacturer" means any person engaged to whatever extent in the making or assembling of new farm machinery and equipment.

§ 2.29 *Records to be kept by dealers.* (a) Each dealer, distributor and manufacturer shall file on or before November 10, 1942, an inventory of all new farm machinery and equipment listed in Schedule IV hereof which he had in his possession at the close of business on October 31, 1942. Such inventory shall disclose the county and State in which

the items listed were physically located at the close of business on October 31, 1942. In the case of a manufacturer such inventory shall, further disclose whether the items listed were manufactured within the quota set for such manufacturer by War Production Board Order L-26 or whether such items were manufactured in excess of such quota. Such inventory shall be filed with the county rationing committee (which is the committee established pursuant to § 2.4 of Temporary Rationing Order A for the purpose of rationing farm machinery and equipment) for the county in which the dealer, distributor or manufacturer has his principal place of business or, if there is no county rationing committee in such county, then only with the State U.S.D.A. War Board of the State in which such dealer, distributor or manufacturer has his principal place of business. If a dealer, distributor or manufacturer does business in six or more counties in one State, such dealer, distributor or manufacturer shall file such inventory only with the State U.S.D.A. War Board for the State in which he has his principal place of business. If a dealer, distributor or manufacturer does business in more than one State, he shall file such inventory only with the Special War Board Assistant, at Room 3095, South Building, Department of Agriculture, Washington, D. C.

#### § 2.38 *Effective dates of amendments to farm machinery and equipment rationing regulations.*

(b) Amendment No. 2 (§§ 2.1(1) (q), 2.29 (a) and Schedule IV) to Temporary Rationing Order A shall become effective October 22, 1942.

Done at Washington, D. C., this 22nd day of October, 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEY,  
Acting Secretary of Agriculture.

#### SCHEDULE IV

#### Planting, Seeding & Fertilizing Machinery

##### Corn planters

Two row, horse drawn  
Two row, tractor drawn or mounted  
Three and four row, tractor drawn  
Combination corn and cotton planters  
Two row, horse drawn  
Two row, tractor drawn or mounted  
Three and four row, horse or tractor drawn  
Potato planters  
Horse or tractor drawn

##### Transplanters

One and two row, horse or tractor drawn  
Listers with planting attachments  
One row, horse or tractor drawn or mounted  
Two row, horse or tractor drawn or mounted

##### Beet drills

Horse or tractor drawn

##### Grain drills

Horse or tractor drawn

##### Fertilizing distributors

Horse or tractor drawn

##### Lime spreaders (sowers)

Wheel type, horse or tractor drawn

##### Manure spreaders

Four wheel, horse or tractor drawn

#### Plows and Listers

##### Moldboard plows

Tractor drawn or mounted  
One bottom  
Two bottom  
Three bottom

Disc plows, tractor drawn

Two disc

Three disc

One way disc plows or tillers

Listers (middle busters without planting attachment)

One row, horse or tractor drawn or mounted

Two row, horse or tractor drawn or mounted

#### Harrows and Pulverizers

##### Harrows

Spike tooth sections, horse or tractor drawn

Spring tooth sections, horse or tractor drawn

Disc harrows

Soil pulverizers and packers

#### Cultivators and Weeders

##### Cultivators

Tractor drawn or mounted

One row

Two row

Three row

Beet cultivators, horse or tractor drawn or mounted

Field cultivators, horse or tractor drawn

Rotary hoes, horse or tractor drawn

Rod weeder, horse or tractor drawn

#### Harvesting Machinery

##### Grain binders

Rice binders

Combine (harvester-thresher)

Width of cut, 6 feet and under

Width of cut, over 6 feet

Corn binders

Corn pickers (pull and mounted type)

Ensilage harvesters (corn, hay)

Potato diggers

Walking plow type

Other, horse or tractor drawn

Pea and bean harvesters

Beet lifters, horse or tractor drawn

#### Haying Machinery

##### Mowers

Horse drawn

Tractor drawn or mounted

##### Rakes

Sulky (dump)

Side del. including combination side rakes and tedders

Sweep

Hay loaders

Stackers

#### Machines for Preparing Crops for Market or Use

Grain threshers, including rice and alfalfa threshers

Pea and bean threshers

Peanut pickers

Ensilage cutters (silo fillers)

Feed cutters (power)

Corn shellers (power)

Cylinder (150 bu. and under)

Cylinder (over 150 bu.)

Corn huskers and shredders

Hay presses or balers

Engine or belt power

Hay press combines (windrow pick-up)

Feed grinders and crushers

Power, burr type

Hammer, and roughage mills

Grain cleaners and graders

Potato sorters and graders

#### Tractors

Wheel type, special purpose

Wheel type, all purpose

Garden tractors

#### Engines

One or more but under 5 H. P.

Air cooled

Water cooled

Five or more but under 10 H. P.

Water cooled

*Farm Wagons and Trucks*

Wagons, farm, not including boxes  
Trucks (not motor trucks), farm, not including boxes

*Dairy Machinery and Equipment*

Milking machines (complete units)  
Cream separators (centrifugal)

Capacity, 250 lb. per hr. or less

Capacity, 251-800 lb. per hr.

Metal milk cans and covers

Milk coolers

Immersion type

Tubular type

*Spraying Outfits (Complete)*

Power sprayers (not including engine)

Traction sprayers

Spray pumps, power

Dusters

Power

Traction

*Domestic Water Systems*

Deep well, all sizes

Reciprocal

Jet pumps

Shallow well, all sizes

Under 250 gal. per hr.

250 to 499 gal. per hr.

500 gal. per hr. and over

Power pumps, horizontal type

Windmill pumps

Windmill heads

Windmill towers

Pump jacks

*Elevators, Farm, Including Grain and Forage Blowers*

Portable

Stationary

*Silos**Irrigation Equipment*

Turbine pumps

0 to 1200 GPM

1200 GPM and up

Centrifugal pumps

Hydraulic rams

Distribution equipment

Land leveling equipment (excluding power ditchers, draglines, and other self-powered machines)

Ditchers

Corrugators

Scrapers

Portable pipe and extensions

Sprinklers

*Fencing materials*

Barbed wire

Poultry netting

Square mesh wire fence

Light poultry fence

Standard poultry and rabbit fence

Close mesh poultry fence

Wolf-proof fence

Standard field fence

Hog and cattle fence, close mesh

Standard field and dairy fence

Metal gates

Metal fence posts

[F. R. Doc. 42-10717; Filed, October 23, 1942;  
11:12 a. m.]

Chapter IX—Agricultural Marketing Administration

[O-66]

PART 966—ORANGES GROWN IN THE STATE OF CALIFORNIA OR IN THE STATE OF ARIZONA

HANDLING OF ORANGES GROWN IN CALIFORNIA OR ARIZONA

It is provided in Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agri-

cultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), that the Secretary of Agriculture of the United States (hereinafter referred to as the "Secretary") shall, subject to the provisions of the act, issue orders regulating such handling of certain agricultural commodities (including oranges) as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodities.

Sec.

- 966.1 Findings.
- 966.2 Order relative to handling.
- 966.3 Definitions.
- 966.4 Orange Administrative Committee.
- 966.5 Expenses and assessments.
- 966.6 Regulation.
- 966.7 Prorate districts.
- 966.8 Oranges not subject to regulation.
- 966.9 Reports.
- 966.10 Compliance.
- 966.11 Right of the Secretary.
- 966.12 Effective time and termination.
- 966.13 Effect of termination or amendment.
- 966.14 Duration of immunities.
- 966.15 Agents.
- 966.16 Derogation.
- 966.17 Personal liability.
- 966.18 Separability.

AUTHORITY: §§ 966.1 to 966.18, inclusive, issued under 48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U.S.C. 1940 ed. 601 et seq.

§ 966.1 *Findings and determinations.*—(a) *Findings upon the basis of hearing record.* Pursuant to the act and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR 900.1-900.17; 6 F.R. 6571, 7 F.R. 3350), a public hearing was held upon a proposed marketing agreement and order regulating the handling of oranges grown in the State of California or in the State of Arizona. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The issuance of this order and all of the terms and conditions hereof will tend to effectuate the declared policy of the act;

(2) The terms and provisions of this order prescribe, so far as practicable, such different terms, applicable to different production areas, as are necessary to give due recognition to the difference in production and marketing of oranges grown in the State of California or in the State of Arizona;

(3) This order is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to any subdivision of such regional production area would not effectively carry out the declared policy of the act; and

(4) This order regulates the handling of oranges grown in the State of California or in the State of Arizona in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and proclaimed that, in connection with the execution of a marketing

agreement and the issuance of an order regulating the handling of oranges grown in the State of California or in the State of Arizona, the purchasing power of such oranges during the pre-war period August 1909-July 1914 cannot be satisfactorily determined from available statistics of the Department of Agriculture, but that the purchasing power of such oranges can be satisfactorily determined from available statistics of the Department of Agriculture for the post-war period August 1919-July 1929; and the post-war period August 1919-July 1929 is the base period to be used in connection with such marketing agreement and this order in determining the purchasing power of such oranges.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the oranges covered by this order) of at least 80 percent of the volume of oranges covered by this order refused or failed to sign the tentatively approved marketing agreement regulating the handling of oranges grown in the State of California or in the State of Arizona; and it is further determined that:

(1) The refusal or failure of such handlers to sign said tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of such oranges; and

(3) The issuance of this order is approved or favored by the producers who participated in a referendum on the question of the approval of the order and who, during the determined representative period, produced for market at least two-thirds of the volume of oranges produced for market within the States of California and Arizona.

§ 966.2 *Order relative to handling.* From and after the effective date hereof, such handling of oranges grown in the State of California or in the State of Arizona as is in the current of commerce between the State of California and any point outside thereof in the continental United States, Alaska, or Canada, or between the State of Arizona and any point outside thereof in the continental United States, Alaska, or Canada, or so as directly to burden, obstruct, or affect such commerce, shall be in conformity to and in compliance with the terms and conditions of this order.

§ 966.3 *Definitions.* As used herein, the following terms have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture of the United States.

(b) "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the

Agricultural Marketing Agreement Act of 1937 (50 Stat. 246 (1937), 7 U. S. C. 1940 ed. 601 *et seq.*), as amended.

(c) "Person" means an individual, partnership, corporation, association, or any business unit.

(d) "Oranges" means all varieties of oranges grown in the State of California or in the State of Arizona, which are included in the botanical classification of *Citrus Sinensis*.

(e) "Variety of oranges" means (1) Valencia oranges or (2) all oranges other than Valencia oranges.

(f) "Fiscal year" means the twelve-month period ending October 31 of each year.

(g) "Committee" means the Orange Administrative Committee established pursuant to § 966.4.

(h) "Grower" and "producer" are synonymous and mean any person who produces oranges for market.

(i) "Handler" means any person who handles oranges.

(j) "Handle" means to buy, sell, consign, transport, ship (except as a common carrier of oranges owned by another person), or in any other way to place oranges in fresh form in the current of commerce between the State of California and any point outside thereof in the continental United States, Alaska, or Canada, or between the State of Arizona and any point outside thereof in the continental United States, Alaska, or Canada, or so as directly to burden, obstruct, or affect such commerce.

(k) "Oranges available for current shipment" means all oranges as measured by the total tree crop. If regulations pursuant to § 966.6 become effective after the beginning of a marketing season for any variety of oranges, the term shall include all oranges which are within the area of production.

(l) "Box", means a standard orange box as defined by the Agricultural Code of California.

(m) "Central marketing organization" means any organization which markets oranges for more than one handler pursuant to a written contract between such organization and each such handler.

(n) "Carload" means a quantity of oranges equivalent to 462 packed boxes of oranges.

§ 966.4 *Orange Administrative Committee*—(a) *Establishment and membership*. There is hereby established an Orange Administrative Committee consisting of seven members, for each of whom there shall be an alternate member who shall be nominated and selected in the same manner and who shall have the same qualifications as the member for whom each is an alternate member. All of the members and alternate members of the committee, except the member and alternate member nominated pursuant to paragraph (c) (6) of this section, shall be growers who shall not be handlers or employees of handlers.

(b) *Term of office*. The initial members and alternate members of the committee shall hold office for a term beginning on the date designated by the Secretary and ending October 31, 1944,

or until their successors are selected and have qualified. The term of office of succeeding members and alternate members of the committee shall begin on the first day of November and shall continue for two years thereafter, or until their successors are selected and have qualified.

(c) *Nominations*. (1) The time and manner of nominating members and alternate members of the committee shall be prescribed by the Secretary.

(2) Any cooperative marketing organization, or the growers affiliated therewith, which marketed more than 50 percent of the total volume of oranges marketed in fresh form during the fiscal year preceding the date on which nominations for members and alternate members of the committee are to be submitted, shall nominate not less than six growers for three members and six growers for three alternate members of the committee.

(3) All cooperative marketing organizations which market oranges and which are not qualified under paragraph (c) (2) of this section, or the growers affiliated therewith, shall nominate not less than two growers for a member and two growers for an alternate member of the committee.

(4) All growers who are not affiliated with cooperative marketing organizations which market oranges shall nominate not less than four growers for two members and four growers for two alternate members of the committee.

(5) When voting for nominees, each grower shall be entitled to cast one vote which shall be cast on behalf of himself, his agents, subsidiaries, affiliates, and representatives. The votes of cooperative marketing organizations voting pursuant to paragraph (c) (3) of this section shall be weighted in accordance with the volume of oranges handled during the fiscal year preceding the date upon which such nominations are made.

(6) The first six members of the committee selected by the Secretary pursuant to paragraph (d) of this section shall meet on a date designated by the Secretary and, by a concurring vote of at least four members, shall nominate two persons for a member and two persons for an alternate member of the committee, which persons shall not be growers or handlers, or employees, agents, or representatives of a grower or a handler (other than a charitable or educational institution which is a grower or a handler), or in any other way directly associated with the production or marketing of oranges.

(d) *Selection*. From the nominations made pursuant to paragraph (c) (2) of this section, the Secretary shall select three members and three alternate members of the committee. From the nominations made pursuant to paragraph (c) (3) of this section the Secretary shall select one member and one alternate member of the committee. From the nominations made pursuant to paragraph (c) (4) of this section the Secretary shall select two members and two alternate members of the committee. From the nominations made pursuant to paragraph (c) (6) of this sec-

tion the Secretary shall select one member and one alternate member of the committee.

(e) *Failure to nominate*. If nominations are not made within the time and in the manner specified by the Secretary pursuant to paragraph (c) (1) of this section, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for herein.

(f) *Acceptance*. Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

(g) *Vacancies*. To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor to the unexpired term of such member or alternate member of the committee shall be selected by the Secretary from nominations made in the manner specified in this section. If the names of nominees to fill any such vacancy are not made available to the Secretary within fifteen days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for herein.

(h) *Alternate members*. An alternate member of the committee, during the absence or at the request of the member for whom he is an alternate, shall act in the place and stead of such member: *Provided*, That a member may designate an alternate member other than his own alternate member to serve in the place and stead of such member, if the alternate member so designated was selected from the same group which was authorized to nominate the member. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified.

(i) *Powers*. The committee shall have the following powers:

(1) To administer the provisions hereof in accordance with its terms;

(2) To make and adopt rules and regulations to effectuate the terms and provisions hereof;

(3) To receive, investigate, and report to the Secretary complaints of violations of the provisions hereof; and

(4) To recommend to the Secretary amendments hereto.

(j) *Duties*. The committee shall have the following duties:

(1) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;

(2) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the compensation and to define the duties of each;

(3) To submit to the Secretary at the beginning of each fiscal year a budget for such fiscal year, including a report in explanation of the items appearing

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therein and a recommendation as to the rate of assessment for such fiscal year;

(4) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(5) To prepare a monthly statement of the financial operations of the committee and to make copies of each such statement available for examination at the office of the committee;

(6) To prepare an annual report of its operations and to mail or otherwise make available to all known growers and handlers a copy thereof;

(7) To cause its books to be audited by a certified public accountant at least once each fiscal year, and at such other times as the Secretary may request;

(8) To act as intermediary between the Secretary and any grower or handler;

(9) To provide an adequate system for determining the total quantity of each variety of oranges available for current shipment, and to make such determinations as it may deem necessary, or as may be prescribed by the Secretary, in connection with the administration hereof;

(10) To investigate the growing, handling, and marketing conditions with respect to oranges, and to assemble data in connection therewith;

(11) To submit to the Secretary such available information, including verified reports, as he may request;

(12) To consult with such representatives of growers or groups of growers as may be deemed necessary and to pay the travel expenses incurred by such representatives in attending committee meetings at the request of the committee: *Provided*, That the committee shall not pay the travel expenses of more than three such representatives in connection with any one meeting of the committee;

(13) To perform such duties as may be assigned to it by the Secretary in connection with the administration of Section 32 of the Act to amend the Agricultural Adjustment Act, and for other purposes, Public Act No. 320, 74th Congress (August 24, 1935), as amended.

(k) *Procedure.* (1) A majority of the committee shall constitute a quorum and any action of the committee shall require four concurring votes.

(2) The committee may provide for voting by telegraph, telephone, or other means of communication; and any votes so cast shall be confirmed promptly in writing: *Provided*, That if an assembled meeting is held, all votes shall be cast in person.

(l) *Expenses and compensation.* The members of the committee, and their respective alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties hereunder and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed \$5.00 for each day or portion thereof spent in attending such meetings.

§ 966.5 *Expenses and assessments*—(a) *Expenses.* The committee is authorized to incur such expenses as the Secretary finds may be necessary to en-

able the committee to exercise its powers and perform its duties in accordance with the provisions hereof during each fiscal year.

(b) *Assessments.* (1) Each person who first handles oranges shall, with respect to the oranges so handled by him, pay to the committee, upon demand, such person's pro rata share of the expenses which the Secretary finds are necessary during each fiscal year. Each such person's share of such expenses shall be equal to the ratio between the total quantity of such oranges handled by him as the first handler thereof during the applicable fiscal year, and the total quantity of such oranges so handled by all persons during the same fiscal year.

(2) The Secretary shall fix the rate of assessment to be paid by each such person. At any time during or after the fiscal year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expense which may be incurred. Such increase shall be applied to all oranges handled during the applicable fiscal year. In order to provide funds for the administration of the provisions hereof, the committee may accept the payment of assessments in advance, and may borrow money in an amount not to exceed ten percent of the estimated expenses set forth in its budget for the then current fiscal year.

(3) The committee may, with the approval of the Secretary, maintain a suit in its own name, or in the names of its members, to enforce the payment of assessments levied under paragraph (b) of this section.

(c) *Accounting.* (1) If, at the end of a fiscal year, the assessments collected are in excess of the expenses incurred by the committee, each person entitled to a proportionate refund of the excess assessments shall be credited with such a refund against the cost of administration hereof for the following fiscal year. If any person ceases to handle oranges, he may demand payment of such a refund, and the refund shall be paid to him: *Provided*, That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal year may be applied by the committee at the end of such fiscal year to any outstanding obligations due the committee from such person.

(2) All funds received by the committee pursuant to the provisions hereof shall be used solely for the purposes herein specified, and shall be accounted for in the manner herein provided. The Secretary may, at any time, require the committee and its members to account for all receipts and disbursements.

§ 966.6 *Regulation*—(a) *Marketing policy.* (1) At the beginning of the marketing season for each variety of oranges the committee shall prepare a report setting forth its proposed policy for the marketing of such variety of oranges. In the event it becomes advisable to modify such marketing policy, because of changed demand and supply conditions, the committee shall submit a report showing such modifications and the reasons therefor.

(2) All meetings of the committee held for the purpose of formulating such marketing policies shall be open to growers and handlers. The committee shall give growers and handlers reasonable notice of such meetings.

(3) The committee shall transmit a copy of each marketing policy report or revision thereof to the Secretary and shall give reasonable notice to growers and handlers of the contents thereof. Copies of all such reports shall be maintained in the office of the committee where they shall be available for examination by growers and handlers.

(b) *Recommendations for regulation.* (1) Each week during the marketing season for each variety of oranges the committee shall recommend to the Secretary the total quantity of each such variety of oranges which it deems advisable to be handled during the next succeeding week. If prorate districts are established pursuant to § 966.7, the committee shall recommend to the Secretary the total quantity of each variety of oranges grown in each such prorate district which it deems advisable to be handled during each such week. If, for any reason, the committee fails to recommend to the Secretary the total quantity of each variety of oranges which it deems advisable to be handled during each week, as required hereby, reports representing the respective views of the committee members with respect to its failure to act shall be submitted promptly to the Secretary.

(2) In making its recommendations, the committee shall give due consideration to the following factors: (i) market prices for oranges, including market prices by grades and sizes; (ii) supply of oranges on track at, and en route to, the principal markets; (iii) supply, maturity, and condition of oranges in the area of production, including the grade and size composition thereof; (iv) market prices and supplies of citrus fruits from competitive producing areas, and supplies of other competitive fruits; (v) trend and level in consumer income; and (vi) other relevant factors.

(3) At any time during a week for which the Secretary, pursuant to paragraph (c) of this section, has fixed the quantity of any variety of oranges which may be handled, the committee may, if such action is deemed advisable because of unusual or unforeseen changes in the demand for oranges, recommend to the Secretary that such quantity be increased for such week. Any such recommendation, together with supporting information, shall be submitted promptly to the Secretary.

(c) *Issuance of regulation.* Whenever the Secretary shall find, from the recommendations and information submitted by the committee, or from other available information, that to limit the quantity of any variety of oranges which may be handled during a specified week will tend to effectuate the declared policy of the act, he shall fix such quantity. In the event prorate districts are established pursuant to § 966.7, the Secretary, upon the basis of the recommendations and information submitted by the committee, or from other available information, shall

fix the quantity of each variety of oranges grown in each such prorate district which may be handled during such week. The quantity so fixed may be increased by the Secretary at any time during such week.

(d) *Prorate bases.* (1) Each person who has oranges available for current shipment shall submit to the committee, at such time and in such manner as may be designated by the committee, and upon forms made available by it, a written application for a prorate base and for allotments as provided herein.

(2) Such application shall be substantiated in such manner and shall be supported by such evidence as the committee may require, and shall include (i) the name and address of the producer or duly authorized agent, if any, for each grove or portion thereof, the fruit of which is included in the quantity of oranges available for current shipment by the applicant; (ii) an accurate description of the location of each such grove or portion thereof, including the number of acres contained therein; and (iii) an estimate of the total quantity of each variety of oranges available for current shipment by the applicant in terms of a unit of measure designated by the committee.

(3) Such application shall include only such oranges available for current shipment which the applicant controls (i) by a bona fide written contract giving the applicant authority to handle such oranges, or (ii) by having legal title or possession thereof, or (iii) by having executed an enforceable written agreement to purchase such oranges. If an applicant controls oranges pursuant to subdivision (i) or (iii) hereof, he shall submit a copy of each type of such contract to the committee, together with a statement that no other types of contracts are used, and shall maintain a file of all original contracts evidencing such control which shall be subject to examination by the committee.

(4) If the quantity of oranges available for current shipment by any person is increased or decreased by the acquisition or loss of the control required by paragraph (d) (3) of this section, such person shall submit promptly a report thereon to the committee upon forms made available by it, which report shall be verified in such manner as the committee may require.

(5) If any person gains or loses control of oranges as required by paragraph (d) (3) of this section, there shall be a corresponding increase or decrease in the quantity of oranges available for current shipment by such person. If it is determined by the committee that any person who has lost control of oranges as required by paragraph (d) (3) of this section has handled a quantity of such oranges less than the quantity that could have been handled under the allotments issued thereon, the quantity of oranges available for current shipment by such person shall be adjusted by deducting therefrom, over such period as may be determined by the committee, a quantity of oranges equivalent to the quantity upon which allotments were issued, but which were not utilized thereon.

(6) The committee shall determine the accuracy of the reports submitted pursuant to this section. Whenever the committee finds that there is an error, omission, or inaccuracy in any such report, it shall correct the same and shall give the person who submitted such report a reasonable opportunity to discuss with the committee the factors considered in making the correction. If it is determined that an error, omission, or inaccuracy has resulted in the establishment of a smaller or a larger quantity of oranges available for current shipment than that to which a person was entitled hereunder, such quantity shall be increased or decreased, over such period as may be determined by the committee, by an amount necessary to correct the error, omission, or inaccuracy.

(7) Each week during the marketing season for any variety of oranges the committee shall compute the total quantity of such oranges available for current shipment by each person who has applied for a prorate base and for allotments, and shall transmit a report thereon to the Secretary. Such report shall constitute the recommendation of the committee for a prorate base for each such person. If prorate districts are established pursuant to § 966.7, the said computations and reports shall be made on the basis of the total quantity of the applicable variety of oranges available for current shipment by each such person in each such prorate district. Such computations and reports shall be prepared and submitted during the week prior to the week when the recommended prorate bases are to become applicable.

(8) Upon the basis of the recommendations and reports of the committee, or from other available information, the Secretary shall fix a prorate base for each person who is entitled thereto. Such prorate base shall represent the ratio between the total quantity of the applicable variety of oranges available for current shipment by each such person and the total quantity of such oranges available for current shipment by all such persons. If prorate districts are established pursuant to § 966.7, a prorate base shall be fixed by the Secretary for each person entitled thereto in each such prorate district. Such prorate base shall represent the ratio between the total quantity of the applicable variety of oranges available for current shipment in each such district by each such person and the total quantity of oranges available for current shipment in each such district by all such persons. The Secretary shall notify the committee of the prorate base fixed for each person and the committee shall notify each such person of the prorate base fixed for him.

(e) *Allotments.* Whenever the Secretary has fixed the quantity of any variety of oranges which may be handled during any week, and has fixed prorate bases for persons entitled thereto, the committee shall calculate the quantity of each such variety of oranges which may be handled by each such person during such week. The said quantity shall be the allotment of each such person and shall be in an amount equal to the product of the prorate base for each

such person for each variety and the total quantity of such variety of oranges fixed by the Secretary as the quantity which may be handled during such week. If prorate districts are established pursuant to § 966.7, the allotments shall be in amounts equivalent to the product of the prorate base for each such person for each variety in each such prorate district and the total quantity of such variety of oranges grown in each such prorate district and fixed by the Secretary as the total quantity of such variety of oranges which may be handled during such week. The committee shall give reasonable notice to each person of the allotment computed for him pursuant hereto.

(f) *Overshipments.* During any week for which the Secretary has fixed the total quantity of any variety of oranges which may be handled, any person (when not required to reduce the quantity of oranges which he may handle during such week, as provided herein) may handle, in addition to his allotment for such variety of oranges, an amount of such oranges equivalent to 10 percent of his allotment of such oranges, or 462 boxes thereof, or an equivalent quantity. The quantity of any variety of oranges so handled in excess of each such person's allotment for such variety of oranges (but not exceeding an amount equivalent to the excess shipments permitted hereunder) shall be deducted from each such person's allotment of such oranges for the next week. If such person's allotment for such week is in an amount less than the excess shipments permitted hereunder, the remaining quantity shall be deducted from succeeding weekly allotments of such oranges issued to each such person until such excess has been entirely offset. The provisions hereof shall not apply to any person who, during any week, has not received an allotment hereunder for such week.

(g) *Undershipments.* If any person handles during any week a quantity of any variety of oranges, covered by a regulation issued pursuant to paragraph (c) of this section, in an amount less than his allotment for such variety of oranges for such week, he may handle, in addition to his allotment for such variety of oranges for the next week only, a quantity of such oranges equivalent to such undershipment.

(h) *Allotment loans.* (1) A person to whom allotments have been issued may lend such allotments to other persons to whom allotments have been issued: *Provided*. That such allotment loan transactions are confined to the same variety of oranges and, if prorate districts are established pursuant to § 966.7, to the same prorate district. Such loans shall be evidenced by bona fide written agreements filed with the committee within forty-eight hours after any such agreement has been entered into, and such agreements shall include a provision for the repayment of such allotments during the then current marketing season.

(2) An allotment shall be loaned pursuant to paragraph (h) (1) of this section for use only during the week for which such allotment was issued. Per-

sons securing repayment of an allotment loan may use such allotment only during the week in which the repayment is made.

(3) No allotment which has been loaned may again be loaned by the borrower, or by the lender after the repayment thereof. No person shall loan an allotment when the repayment thereof is not required to complete the marketing of the variety of oranges to which such allotment is applicable. No person shall borrow an allotment which he is unable to repay during the then current marketing season.

(4) The committee may act on behalf of persons desiring to arrange allotment loans. In each such case, the committee shall confirm all such transactions immediately after the completion thereof by memorandum addressed to the parties concerned, which memorandum shall be deemed to satisfy the requirements of paragraph (h) (1) of this section.

(i) *Assignment of allotments.* Any person who acquires oranges and who does not have a prorate base for such oranges may handle such oranges pursuant to an assignment of an allotment from the person from whom such oranges are acquired. Such assignments of allotments shall be only in amounts equal to the quantity of oranges, and shall cover the same variety of oranges, so acquired. Any such assignments of allotments shall be evidenced by a certificate which shall be in such form and issued in such manner as may be required by the committee. The committee shall provide for an equitable system by means of which persons to whom allotments have been assigned may handle the oranges covered by such assignments in amounts less than the quantity included in the certificates of assignment. The handling of oranges covered by an assignment issued pursuant hereto shall be such as to qualify for undershipments pursuant to paragraph (g) of this section. No allotment may be assigned, transferred, or otherwise disposed of except in accordance with the provisions hereof.

(j) *Priority of allotments.* During any week in which a person receives an allotment, and has the right to handle a quantity of oranges in addition to the quantity represented by his allotment, by reason of (1) an undershipment of an allotment, pursuant to paragraph (g) of this section; or (2) an assigned allotment, pursuant to paragraph (i) of this section; or (3) the repayment of a loaned allotment, pursuant to paragraph (h) of this section; or (4) a borrowed allotment, pursuant to paragraph (h) of this section, and such person handles a quantity of any variety of oranges which is less than the total quantity of such variety of oranges which such person may handle during such week, the amount of such variety of oranges handled shall first apply to such person's current weekly allotment (or to that portion which is not used pursuant to paragraphs (f), (h), or (i) of this section) and the remainder, if any, shall be applied in the following order: first, to any undershipment of

allotments, pursuant to paragraph (g) of this section; second, to any allotment repaid to him, pursuant to paragraph (h) of this section; third, to any allotment assigned to him, pursuant to paragraph (i) of this section; fourth, to any allotment borrowed, pursuant to paragraph (h) of this section.

(k) *Allotment pool.* The committee may withhold from the allotment of each person an amount not to exceed five percent of such allotment and shall allocate the allotments so withheld among handlers who have made application therefor. Such allocations shall be made in accordance with the need therefor as evidence by the advanced maturity or short life of oranges available for current shipment. All such deductions, allocations, and repayments of allotments shall be made pursuant to a uniform rule adopted by the committee and approved by the Secretary. If prorate districts are established pursuant to § 966.7, separate deductions, allocations, and repayments of allotments hereunder shall be made for each prorate district.

(l) *Central marketing organizations.* The committee shall give any central marketing organization, upon its request, the same notice, with respect to prorate bases and allotments applicable to each handler for whom it markets oranges, as is given to such handler.

(m) *Exchange for State allotments.* Persons to whom allotments have been issued pursuant to paragraph (e) of this section may exchange such allotments for allotments issued pursuant to an order, license, or regulation made effective under laws of the State of California or the State of Arizona. All such exchanged allotments shall be limited to the same variety of oranges and shall be exchanged only between persons to whom allotments have been issued in the same prorate district, if such districts are established hereunder. Such exchanges of allotments shall be limited to allotments covering a corresponding weekly period and persons entering into agreements for the exchange of such allotments shall report each such transaction to the committee in such manner as the committee may prescribe.

§ 966.7 *Prorate districts.* The committee may, from time to time, recommend to the Secretary that the States of California and Arizona be divided into geographic districts. Such recommendations shall be accompanied by information in support thereof. If the Secretary finds, upon the basis of the recommendation and information submitted by the committee, or from other available information, that the establishment of such districts will effectuate the purposes of the act, he shall establish such districts which shall be known as prorate districts.

§ 966.8 *Oranges not subject to regulation.* Nothing contained herein shall be construed to authorize any limitation of the right of any person to handle oranges (a) for consumption by charitable institutions or for distribution by relief agencies; (b) for conversion into by-products; (c) for export to foreign

countries other than Canada; (d) for shipment by parcel post or by railway express in less than carload lots; or (e) for distribution as a gratuity in units of five boxes or less. No assessments shall be levied pursuant to § 966.5 on oranges handled for the purposes specified in this section. The committee may prescribe adequate safeguards to prevent oranges, handled for the purposes designated in this section, from entering commercial fresh fruit channels of trade contrary to the provisions hereof.

§ 966.9 *Reports—(a) Weekly report.* On or before such day of each week as may be designated by the committee, each handler shall report to the committee, in such manner as may be designated and on forms made available by it, the following information with respect to each variety of oranges disposed of by each such handler during the immediately preceding week: (1) Quantity handled; (2) quantity sold or transported for consumption in fresh form in the state of production; (3) quantity sold or disposed of for manufacture into by-products; (4) quantity exported to countries other than Canada; (5) quantity shipped for distribution to persons on relief, including quantity donated for charitable purposes; and (6) quantity disposed of otherwise.

(b) *Other reports.* Upon request of the committee, made with the approval of the Secretary, every person subject to regulation hereunder shall furnish to the committee, in such manner and at such times as it may prescribe, such other information as will enable the committee to perform its duties hereunder.

§ 966.10 *Compliance.* Except as provided herein, no person shall handle oranges during any week in which a regulation issued by the Secretary pursuant to § 966.6 is in effect, unless such person has an allotment, or unless such person is otherwise permitted to handle such oranges under the provisions hereof; and no person shall handle oranges except in conformity with the provisions hereof and the regulations issued hereunder.

§ 966.11 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary. If the committee, for any reason, fails to perform its duties or exercise its powers hereunder, the Secretary may designate another agency to perform such duties and exercise such powers.

§ 966.12 *Effective time and termination—(a) Effective time.* The provisions hereof shall become effective at such

time as the Secretary may declare above his signature hereto, and shall continue in force until terminated in one of the ways hereinafter specified.

(b) *Termination.* (1) The Secretary may at any time terminate the provisions hereof by giving at least one day's notice by means of a press release or in other manner which he may determine.

(2) The Secretary shall terminate or suspend the operation of any or all of the provisions hereof whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions hereof at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production for market of oranges: *Provided*, That such majority has, during such period, produced for market more than fifty percent of the volume of such oranges produced for market; but such termination shall be effective only if announced on or before October 15 of the then current fiscal year.

(4) The provisions hereof shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.* (1) Upon the termination of the provisions hereof, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(2) The said trustees shall (i) continue in such capacity until discharged by the Secretary; (ii) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and (iii), upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(3) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligations imposed upon the committee and upon the trustees.

§ 966.13 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination hereof or of any regulation issued pursuant hereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision hereof or any regulation issued hereunder, or (b) release or extinguish any violation hereof or of any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 966.14 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue hereof shall cease upon its termination, except with respect to acts done under and during the existence hereof.

§ 966.15 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

§ 966.16 *Derogation.* Nothing contained herein is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 966.17 *Personal liability.* No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, wilful misconduct, or gross negligence.

§ 966.18 *Separability.* If any provision hereof is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the invalidity of the remainder hereof or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

Issued at Washington, D. C., on this 3d day of October 1942, to be effective on and after 12:01 a. m., P. W. T., October 26, 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,  
Acting Secretary of Agriculture.

Approved: October 21, 1942.

FRANKLIN D ROOSEVELT,  
The President of the United States.

[F. R. Doc. 42-10697; Filed, October 22, 1942;  
3:48 p. m.]

authority therefor, unless amended or superseded by regulations thereafter promulgated under such authority:

#### DEFINITIONS

Sec.  
1141.1 Meaning of words.  
1141.2 Terms defined.

#### ADMINISTRATION

1141.3 Authority.

#### GRADING SERVICE

1141.4 Official standard to be used.  
1141.5 Purpose of inspection and grading.

#### STANDARDS

1141.6 Practical forms furnished.  
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#### FEES AND COSTS

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1141.9 Costs.

#### MISCELLANEOUS

1141.10 Publication.  
1141.11 Misrepresentation, deceptive or fraudulent practice.

AUTHORITY: §§ 1141.1 to 1141.11, inclusive, issued under Pub. Law 674, 77th Congress.

#### DEFINITIONS

§ 1141.1 *Meaning of words.* Words in these regulations in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 1141.2 *Terms defined.* For the purpose of these regulations, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

(a) *The Act.* The Act of July 22, 1942 (Public Law 674, 77th Congress), entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1943, and for other purposes," which makes provision for enabling the Secretary of Agriculture to investigate and certify to shippers and other interested parties the classification, quality and condition of farm products "under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered: \* \* \* *Provided*, \* \* \* That certificates issued by the authorized agents of the Department shall be received in all courts of the United States as *prima facie* evidence of the truth of the statements therein contained, \* \* \* and "for acquiring and diffusing among the people of the United States useful information relative to the standardization, classification, grading, preparation for market, handling, and marketing of farm and food products \* \* \* *Provided*, That samples, illustrations, practical forms, or sets of the grades recommended or promulgated by the Secretary of Agriculture for farm or food products may be sold under such rules and regulations as he may prescribe \* \* \*, and future legislation containing similar provisions.

(b) *Person.* Individual, association, partnership or corporation.

(c) *Secretary.* The Secretary of Agriculture or any person or employee of the Department to whom the Secretary has

heretofore lawfully delegated or to whom the Secretary may hereafter lawfully delegate the authority to act in his stead.

(d) *Department.* United States Department of Agriculture.

(e) *Administration.* The Agricultural Marketing Administration.

(f) *Hemp and tow.* The fiber from the plant "Cannabis Sativa" grown in the continental United States.

(g) *Official standards.* The Official Standards of the United States for Grades of Hemp Line and Hemp Tow.

#### ADMINISTRATION

§ 1141.3 *Authority.* The Administrator of the Agricultural Marketing Administration is charged with the supervision on behalf of the United States Department of Agriculture of the performance of all duties arising in the administration of the Act and these regulations.

#### GRADING SERVICE

§ 1141.4 *Official standard to be used.* In the grading of hemp and tow under these regulations the official standards shall be used.

§ 1141.5 *Purpose of inspection and grading.* The Administration may provide a public hemp and tow inspection and grading service, and for the issuance of appropriate certificates, under procedures prescribed by it. Any such inspection service shall be designed to facilitate the application of the official standards and to minimize disputes and arbitrations arising from their use.

#### STANDARDS

§ 1141.6 *Practical forms furnished.* Practical forms of the official standards may be furnished to any person requesting them, upon payment of the costs prescribed in regulation 5, and such practical forms may also be loaned for demonstrational purposes.

§ 1141.7 *Conditions incorporated in application for practical forms.* Each application for practical forms of the official standards shall be upon a blank furnished or approved by the Administration, shall be signed by the applicant, and shall incorporate the following conditions: (a) that no practical form of any official standard shall be considered as representing such standard after the date of its cancellation in accordance with this section, or in any event after the expiration of 12 months following the date of issuance; (b) that each such practical form shall be subject to inspection on any business day between the hours of 9:00 A. M. and 4:00 P. M. by any authorized officer or agent of the Department; (c) that any such practical form may be cancelled if it be found, upon inspection, that it does not accurately represent the official standard.

#### FEES AND COSTS

§ 1141.8 *Fees and costs, how paid.* Grading fees and the costs of practical forms of the official standards shall be paid in accordance with bills rendered, or in advance if required by the Adminis-

tration. Each remittance shall be in the form of a certified check, post office money order, or express money order, payable to "Treasurer of the United States."

§ 1141.9 *Costs.* For practical forms of the official standards, the costs shall be as follows:

(a) For one complete set of practical forms of the official standards for Type W dewretted hemp line and hemp tow, \$10.00, f. o. b. Washington, D. C., for shipment within the continental United States; and \$12.00, delivered to destination, for shipment outside the continental United States.

(b) For one complete set of practical forms of the official standards for Type K dewretted hemp line and hemp tow, \$6.50, f. o. b. Washington, D. C., for shipment within the continental United States; and \$8.50, delivered to destination, for shipment outside the continental United States: *Provided*, That on and after the approval of physical representations for "Type K Milled D. R. Hemp Line No. 1" and for "Type K D. R. Hemp Tow No. 1," for a complete set of practical forms of the official standards for Type K D. R. Hemp Line and Hemp Tow, the costs shall be \$10.00, f. o. b. Washington, D. C., for shipment within the continental United States; and \$12.00, delivered to destination, for shipment outside the continental United States.

(c) For one practical form of an individual grade of hemp line, \$2.50 f. o. b. Washington, D. C., for shipment within the continental United States; and \$3.00, delivered to destination, for shipment outside the continental United States.

(d) For one practical form of an individual grade of hemp tow, \$1.50 f. o. b. Washington, D. C., for shipment within the continental United States; and \$2.00, delivered to destination, for shipment outside the continental United States.

#### MISCELLANEOUS

§ 1141.10 *Publication.* Publications under the Act and these regulations may be made in Service and Regulatory Announcements of the Administration and by such other media as may be designated for the purpose.

§ 1141.11 *Misrepresentation, deceptive or fraudulent practice.* Any misrepresentation or any deceptive or fraudulent practice made or committed by any applicant for inspection or grading service or any user of practical forms of the official standards, may be deemed sufficient cause for debarring the person guilty thereof from any further benefits of the Act and these regulations, and the facts with respect to any such deceptive or fraudulent practice may be published.

Done at Washington, D. C., this 22d day of October 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,  
Acting Secretary of Agriculture.

[F. R. Doc. 42-10718; Filed, October 23, 1942;  
11:12 a. m.]

#### TITLE 8—ALIENS AND NATIONALITY

##### Chapter I—Immigration and Naturalization Service

[General Order C-2; 14th Supp.]

#### PART 110—PRIMARY INSPECTION AND DETENTION

##### CALEXICO MUNICIPAL AIRPORT

OCTOBER 19, 1942.

Discontinuance of Calexico Municipal Airport as a designated port of entry for aliens arriving by aircraft.

Pursuant to the authority contained in section 7 (d) of the Air Commerce Act of 1926 (44 Stat. 572; 49 U.S.C. 177 (d)) and section 1 of Reorganization Plan No. V (5 F.R. 2223), the designation of Calexico Municipal Airport, Calexico, California, as a temporary port of entry for aliens arriving in the United States by aircraft is hereby rescinded.

Section 110.3 (b), Title 8, Chapter I, Code of Federal Regulations is amended by striking Calexico, California, Calexico Municipal Airport, from the list of temporary ports of entry for aliens arriving by aircraft.

FRANCIS BIDDLE,  
Attorney General.

Approval recommended:

EARL G. HARRISON,  
Commissioner.

[F. R. Doc. 42-10714; Filed, October 23, 1942;  
10:53 a. m.]

[General Order C-26; 4th Supp.]

#### PART 150—ARREST AND DEPORTATION

##### ARREST AND DEPORTATION OF ALIENS; AMENDMENT

OCTOBER 21, 1942.

Pursuant to the authority contained in section 23 of the Act of February 5, 1917 (39 Stat. 892; 8 U.S.C. 102); section 24 of the Act of May 26, 1924 (43 Stat. 166; 8 U.S.C. 222); section 1 of Reorganization Plan No. V (5 F.R. 2223); section 37 (a) of the Act of June 28, 1940 (54 Stat. 675; 8 U. S. C. 458), § 90.1, Title 8, Chapter I, Code of Federal Regulations (7 F.R. 6753), and all other authority conferred by law, the following changes in Part 150 of the said regulations are hereby promulgated.

Section 150.8 is amended to read as follows:

§ 150.8 (a) *Reopening the hearing.* At any time prior to the forwarding of the record of hearing to the Central Office, the officer in charge of the district may direct that a case be reopened for proper cause; and at any time prior to submission of the record to the Board of Immigration Appeals, the Central Office may direct a reopening thereof for proper cause. After the record has been submitted to the Board of Immigration Appeals, the case may only be reopened upon direction of the Board of Immigration Appeals. Requests by aliens, or their representatives, for a reopening of a hearing must be in writing and set forth the grounds for the application. If a re-

quest for a reopening made prior to the submission of the record to the Board of Immigration Appeals is denied by the Central Office or the officer in charge of the district of origin, a report setting forth the reasons for the denial shall be furnished the Board of Immigration Appeals with the record.

(b) *Reopening the hearing; applications for departure in lieu of deportation or for suspension of deportation.* After the close of a hearing and prior to the submission of the record to the Board of Immigration Appeals, an application by the alien for the privilege of departure in lieu of deportation or for suspension of deportation under the provisions of section 19 (c) of the Immigration Act of 1917, as amended, may only be made in conjunction with a request, pursuant to paragraph (a) of this section, that the hearing be reopened. After the submission of the record to the Board of Immigration Appeals, such an application may only be made in conjunction with a motion to reopen the hearing, made pursuant to § 90.9 of this title. (Sec. 19, 39 Stat. 889, 54 Stat. 671; 8 U.S.C. 155)

(Sec. 23, 39 Stat. 892, 8 U.S.C. 102; sec. 24, 43 Stat. 166, 8 U.S.C. 222; sec. 1, Reorg. Plan No. V, 5 F.R. 2223; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 CFR 90.1)

EARL G. HARRISON,  
Commissioner.

Approved:

FRANCIS BIDDLE,  
Attorney General.

[F. R. Doc. 42-10715; Filed, October 23, 1942;  
10:53 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket No. 4748]

#### PART 3—DIGEST OF CEASE AND DESIST ORDERS

##### MASTER HERB CO.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service: § 3.6 (x) Advertising falsely or misleadingly—Results.* In connection with offer, etc., of respondent's medicinal herbs, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondent's said herbs, which advertisements represent, directly or by implication, (1) that respondent's herbs constitute a cure or remedy for or possess any therapeutic value in the treatment of stomach ulcers; (2) that they constitute a cure or remedy for rheumatism, arthritis, or asthma, or possess any therapeutic value in the treatment of such conditions in excess of affording temporary relief from the symptoms of pain associated with rheumatism and arthritis, and temporary relief from the paroxysms of asthma;

temporary palliative relief from some of the pains or other symptoms which may accompany such disorders; or (4) that the use thereof will renew the glands of the body or enable the user to regain strength or vigor; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Master Herb Company, Docket 4748, October 19, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of October, A. D. 1942.

*In the Matter of Edwin Tom, an Individual Trading as Master Herb Company.*

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, and a stipulation as to the facts entered into between the respondent and Richard P. Whiteley, Assistant Chief Counsel for the Commission, and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

*It is ordered.* That the respondent, Edwin Tom, individually and trading as Master Herb Company, or trading under any other name, and his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of respondent's medicinal herbs, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication, (a) that respondent's herbs constitute a cure or remedy for or possess any therapeutic value in the treatment of stomach ulcers;

(b) That respondent's herbs constitute a cure or remedy for rheumatism, arthritis, or asthma, or possess any therapeutic value in the treatment of such conditions in excess of affording temporary relief from the symptoms of pain associated with rheumatism and arthritis, and temporary relief from the paroxysms of asthma;

(c) That respondent's herbs possess any therapeutic value in the treatment of any other diseases or ailments of the human body in excess of affording temporary palliative relief from some of the pains or other symptoms which may accompany such disorders; or

(d) That the use of respondent's herbs will renew the glands of the body or enable the user to regain strength or vigor.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's herbs, which advertisement contains any

representation prohibited in paragraph 1 hereof.

*It is further ordered.* That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 42-10724; Filed, October 23, 1942;  
11:21 a. m.]

## TITLE 30—MINERAL RESOURCES

### Chapter III—Bituminous Coal Division

[Docket A-1671]

#### PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

##### ORDER GRANTING TEMPORARY RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 11 for modification of note included in Size Group No. 11 in § 331.2 in the schedule of effective minimum prices for District No. 11, for all shipments except truck.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting modification of the note included in Size Group No. 11 for All Shipments Except Truck; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act:

*It is ordered.* That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 11 for All Shipments Except Truck is hereby modified to include in the note in Size Group 11 in § 331.2 (Description of size groups) thereof, the following sizes of air-cleaned breaker nut:  $1\frac{1}{2}'' \times 1''$ ,  $1\frac{1}{4}'' \times 1'$ ,  $1\frac{1}{2}'' \times \frac{3}{4}''$ ,  $1\frac{1}{4}'' \times \frac{3}{4}''$ ,  $1'' \times \frac{3}{8}''$  and  $\frac{3}{4}'' \times \frac{3}{8}''$ .

*It is further ordered.* That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

*It is further ordered.* That the relief herein granted shall become final sixty

(60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: October 21, 1942.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 42-10732; Filed, October 23, 1942;  
11:35 a. m.]

[Docket No. A-1639]

PART 334—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 14

ORDER CONTINUING TEMPORARY RELIEF, ETC.

Order continuing temporary relief, terminating conditionally final relief and notice of and order for hearing in the matter of the petition of the Arkansas Coal Company for the establishment of additional price classifications and minimum prices for the coals of its Arkansas Coal Company Mine (Mine Index No. 593) and for a change in the subdistrict number for this mine.

An original petition was filed with this Division on September 14, 1942, by the above-named party, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting that certain additional price classifications and minimum prices be established for the coals of the Arkansas Coal Company Mine, Mine Index No. 593, in District No. 14, and requesting that the subdistrict designation for that mine be changed from Subdistrict 1 to Subdistrict 2.

On September 26, 1942, 7 F.R. 8173, an Order Granting Temporary Relief and Conditionally Providing for Final Relief was issued in this matter temporarily establishing the price classifications and minimum prices requested by petitioner for the coals of the Arkansas Coal Company Mine, and temporarily changing the subdistrict designation for that mine from Subdistrict 1 to Subdistrict 2. This Order further provided that the relief granted therein would become final sixty (60) days from the date thereof unless it should otherwise be ordered.

District Board No. 14 on October 5, 1942, filed with the Division an Intervention and Response denying, among other things alleged in the original petition, that the Arkansas Coal Company Mine, Mine Index No. 593, is located in the Philpott Seam; that the coals produced by petitioner are comparable to coals produced from said Philpott Seam; that the coals produced from petitioner's mine are soft and friable; that the minimum prices requested by petitioner correctly reflect the fair and reasonable value of said coals; and that the subdistrict designation of petitioner's mine should be changed from Subdistrict 1 to Subdistrict 2.

In view of the issues raised by the Intervention and Response of District Board No. 14, with respect to the location

of the Arkansas Coal Company Mine, the qualities of the coals produced therefrom, and the price classifications and minimum prices which should properly be made applicable thereto, it appears that no permanent price classifications or minimum prices should be established for the coals of that mine without a hearing. However, no sufficient reason having been advanced by District Board No. 14 to warrant termination of the temporary relief heretofore granted by the Order entered in this matter on September 26, 1942, it appears that such temporary relief should be continued in effect pending final disposition of this proceeding.

Now, therefore, *It is ordered*. That the price classifications and minimum prices temporarily established for the coals of the Arkansas Coal Company Mine, Mine Index No. 593, and the temporary change in subdistrict designation effected for that mine by the Order entered in this matter on September 26, 1942, 7 F.R. 8173, be, and they hereby are, continued in effect pending further order herein.

*It is further ordered*. That the permanent relief conditionally provided for by the Order entered in this matter on September 26, 1942, 7 F.R. 8173, be, and it hereby is, terminated.

*It is further ordered*. That a hearing in the above-entitled matter under the applicable provisions of the Bituminous Coal Act of 1937 and the rules of the Division be held on November 16, 1942, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, at the Circuit Court Room, Fort Smith, Arkansas.

*It is further ordered*. That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby au-

thorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 11, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of the original petition.

The matter concerned herewith is in regard to the petition of Arkansas Coal Company for (1) the establishment of the following additional price classifications and minimum prices in cents per net ton for the coals of the Arkansas Coal Company Mine, Mine Index No. 593, for all shipments except truck and for truck shipments:

FOR ALL SHIPMENTS EXCEPT TRUCK<sup>1</sup>

Size groups	3 B	4 K	6 L	7 L	8 L	9 L	10 H	11 G	18 N
In cents per ton	400	400	400	400	400	380	360	335	325

FOR TRUCK SHIPMENTS<sup>1</sup>

Size groups	3	4	6	7	8	9	10	11	12
In cents per ton	400	400	400	400	400	380	360	335	325

<sup>1</sup> Petitioner requests that the above prices be made subject to any increase in minimum prices determined by the Bituminous Coal Division subsequent to April 1, 1941.

and (2) a change in the subdistrict designation for the Arkansas Coal Company Mine (Mine Index No. 593) from Subdistrict 1 to Subdistrict 2 in District No. 14.

Dated: October 22, 1942.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 42-10731; Filed, October 23, 1942;  
11:35 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1010—SUSPENSION ORDERS

[Suspension Order S-121]

COFFEE CORPORATION OF AMERICA

Coffee Corporation of America, Chicago, Illinois, is a roaster and wholesale distributor of coffee. During the month

of May, 1942, the Company sold and delivered approximately 116,000 pounds of coffee in excess of its allowable quota under Conservation Order M-135. 30,000 pounds of this amount were deducted from the Company's quotas in subsequent months. The other deliveries which caused the Company to exceed its quota were made to various state institutions of the State of Illinois, but during the month of May, 1942, the Company was aware that such deliveries had to be included in computing the quota which it was permitted to deliver.

On or about May 10, 1942, when the Company's inventory of green coffee was in excess of a two months' supply, the Company accepted delivery of 44,727 pounds of green coffee. This constituted an additional violation of Conservation Order M-135.

These violations of Conservation Order M-135 have hampered and impeded the war effort of the United States. In view of the foregoing, *It is hereby ordered, That:*

**§ 1010.121 Suspension Order S-121.** (a) During each of the calendar months this order shall be in effect, the quota of coffee which Coffee Corporation of America would otherwise be entitled to deliver under the provisions of Conservation Order M-135 shall be reduced by 20,000 pounds.

(b) Nothing contained in this order shall be deemed to relieve Coffee Corporation of America from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as same may be inconsistent with the provisions hereof.

(c) This order shall remain in effect during the months of November, 1942, December, 1942, January, 1943, and February, 1943.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 22d day of October 1942.

ERNEST KANZLER,  
Director General for Operations.

[F. R. Doc. 42-10692; Filed, October 22, 1942; 2:41 p. m.]

#### Chapter XI—Office of Price Administration

##### PART 1302—ALUMINUM

[RPS 2<sup>1</sup> as Amended, Amendment 3]

##### ALUMINUM SCRAP AND SECONDARY ALUMINUM INGOT

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup>7 F.R. 1203, 1800, 1836, 2132, 3746, 4584, 6468, 5513, 7973, 8200.

A new § 1302.1a is added as set forth below:

**§ 1302.1a. Toll or conversion agreements.** (a) The maximum prices herein established shall have no application to the sale, delivery or transfer of aluminum scrap by the maker of such scrap to any person pursuant to a written agreement whereby such person agrees to smelt, remelt, fabricate or otherwise process such scrap and to return to the maker thereof processed material containing an amount of metal approximately equivalent to that contained in the scrap sold, delivered or transferred: *Provided*, That such agreement is specifically authorized by the War Production Board: *And provided further*, That the conversion or processing of aluminum scrap pursuant to such an agreement, so authorized, shall be deemed to be a service, and the price charged therefor shall not exceed the difference between the maximum price for such scrap established by this Revised Price Schedule No. 2, as amended, and the maximum price for such processed material established by this Revised Price Schedule No. 2, as amended, or by any other price schedule, regulation or order issued by the Office of Price Administration.

(b) Every person who is or who hereafter may become a party to any agreement whereby aluminum scrap is delivered or is to be delivered by him for smelting, remelting, fabricating or other processing on any toll, conversion, repurchase, exchange, or other similar basis, or whereby any delivery of aluminum scrap by him is credited or is to be credited against the purchase price of any processed aluminum material, shall report every such agreement to the Office of Price Administration, Washington, D. C., within 10 days from the date thereof: *Provided*, That every such agreement in force on October 28, 1942 shall be so reported on or before November 20, 1942. Every such report shall contain:

(1) The names and addresses of the parties to the agreement;

(2) A full description of the aluminum scrap delivered or to be delivered;

(3) A full description of the type or types of processed material into which such scrap is to be converted, or which is to be repurchased or exchanged, or against the purchase price of which the delivery of such scrap is to be credited;

(4) A statement of the quantities of scrap and processed material involved, estimated if necessary;

(5) A full statement of the price or prices to be charged, clearly indicating the basis upon which the unit charge is to be computed, and specifying the disposition of delivery charges; and

(6) A statement as to whether or not such agreement has been authorized by the War Production Board.

(c) On or before the 15th day of each month, beginning November 15, 1942, every person receiving aluminum scrap for processing pursuant to any toll, conversion, repurchase, exchange or other similar agreement, or any agreement

whereby such scrap is to be credited against the selling price of any processed aluminum material, shall file a report with the Office of Price Administration, Washington, D. C. Such report shall cover the preceding calendar month and shall contain:

(1) The names and addresses of all persons from whom such scrap was received;

(2) A statement of the quantity of scrap so received, by grades;

(3) A full description of the scrap so received;

(4) A statement of the quantity of processed material returned to the supplier of the scrap; and

(5) A full statement of the price or prices charged, clearly indicating the basis upon which the unit charge is computed, and specifying the disposition of delivery charges.

##### § 1302.13a. Effective dates of amendments.

(d) Amendment No. 3 (§ 1302.1a) to Revised Price Schedule No. 2, as amended, shall become effective October 28, 1942.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871).

Issued this 22nd day of October 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-10686; Filed, October 22, 1942; 12:35 p. m.]

#### PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 109<sup>1</sup>, Amendment 2]

##### AIRCRAFT SPRUCE

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith.\*

Appendix C, § 1312.362, is amended to read as set forth below:

**§ 1312.362 Appendix C: Maximum prices for Aero Recovery Grades and special grades of Sitka spruce, Noble fir, and West Coast hemlock.** (a) The maximum prices, f. o. b. the mill, per 1,000 feet board measure for Aero Recovery Grades (as defined later in this paragraph) in rough, green condition, shall be as follows:

Aero Recovery Grade:	Maximum price
No. 1	\$190.00
No. 2	130.00
No. 3	90.00
No. 4	50.00

(1) Aero Recovery Grades are grades of Sitka spruce, Noble fir, and West Coast hemlock lumber from which certain fixed percentages of A Cuttings and B Cuttings (as defined later in this paragraph) can be recovered by remanufacturing. Set forth below are the minimum percentages of A Cuttings and B Cuttings which each piece of each grade shall contain, as determined by visual inspection:

<sup>1</sup>7 F.R. 2238, 2543, 5667.

Aero Recovery	Minimum percentages of A
Grade:	cuttings and B cuttings
No. 1	40% A, and the total of A and B shall not be less than 70%.
No. 2	25% A, and the total of A and B shall not be less than 50%.
No. 3	25% A, or 33 1/3% A and B, or 50% B.
No. 4	20% B.

(2) "A Cutting" is defined as a piece of lumber which meets "American Specifications" for aircraft quality lumber and which is not less than 1" thick, not less than 3" wide, at least 3/4 as long as the piece from which it is to be recovered by remanufacture, and shall not be less than 6' long.

(3) "B Cutting" is defined as a piece of lumber which meets the "American Specifications" for Aircraft quality lumber and which is not less than 1" thick, not less than 3' long, and which has a surface area of not less than one square foot.

(b) The maximum prices for special grades of Sitka spruce, Noble fir, and West Coast hemlock aircraft lumber for which dollars and cents maximum prices are not established by this regulation shall be the prices authorized by the Office of Price Administration. Authorization shall be by an order published in the FEDERAL REGISTER.

No such special grades may be sold or delivered until the prospective seller has applied to the Office of Price Administration for authorization of a price. After such application has been made the seller may sell and deliver at the requested price, and may receive payment therefor, but should the Office of Price Administration authorize a price lower than the requested price, the seller must refund the amount, if any, by which the amount paid exceeds the maximum price which is authorized.

In his application the seller shall certify the following facts to the Lumber Branch of the Office of Price Administration in Washington, D. C.:

(1) The complete specifications in detail of the special grade.

(2) The comparison of the special grade with the grade priced in the regulation which is most nearly comparable.

(3) The requested price.

(4) The price received for such special grade on sales, if any, made prior to the effective date of this amendment.

(5) Any other facts which the seller wishes to give which will enable the Lumber Branch of the Office of Price Administration to determine a price on the special grade which is in proper relation to the general level of prices established by the regulation.

§ 1312.359a Effective dates of amendments. \* \* \*

(b) Amendment No. 2 (§ 1312.362) shall become effective October 28, 1942.

(Pub. Laws 421 and 729, 77th Cong. E.O. 9250, 7 F.R. 7871)

Issued this 22d day of October 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-10687; Filed, October 22, 1942; 12:34 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 107; Amendment 5]

USED TIRES AND TUBES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.\*

Section 1315.1351 is amended by adding a new sentence at the end thereof, as set forth below:

§ 1315.1351 Maximum prices for used tires and tubes. \* \* \*

This regulation shall not apply to sales or deliveries of unrepainted used tires or tubes by any person to Defense Supplies Corporation pursuant to the idle tire purchase plan.

§ 1315.1359a Effective dates of amendments. \* \* \*

(e) Amendment No. 5 (§ 1315.1351) to Maximum Price Regulation No. 107 shall become effective October 15, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 22d day of October 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-10688; Filed, October 22, 1942; 12:34 p. m.]

(5) \* \* \* Premium allowable  
\* \* \* (Cents per yd.)

United States Army Specifications where such products require synthetic resin coated sheetings or print cloths. (This premium may be charged and paid for all deliveries made on and after September 15, 1942.)

(8) War procurement. (i) A war procurement agency purchasing cotton goods located at a shipping point other than the mill where such cotton goods are produced, may, in addition to the otherwise applicable maximum price, pay the seller an amount equal to the transportation costs which the seller incurred in bringing the cotton goods to such shipping point.

§ 1316.60a Effective dates of amendments. \* \* \*

(i) Amendment No. 9 (§ 1316.59 (d) and § 1316.61 (c) (5) and (c) (8)) to Revised Price Schedule No. 35 shall become effective October 28, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 22d day of October 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-10689; Filed, October 22, 1942; 12:35 p. m.]

PART 1340—FUEL

[RPS 88; Amendment 35]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

A new paragraph (d) is added to § 1316.59; in paragraph (c) of § 1316.61 the last item in subparagraph (5) is amended and a new subparagraph (8) is added, as set forth below:

§ 1316.59 Definitions. When used in Price Schedule No. 35, the term:

(d) "War procurement agency" includes the War Department, the Department of the Navy, Reconstruction Finance Corporation, the United States Maritime Commission, War Shipping Administration, and the Lend-Lease Section in the Procurement Division of the Treasury Department of the United States, or any agency of any of the foregoing, and shall be deemed to include stores operated as army canteens, post exchanges or ships' service activities.

§ 1316.61 Appendix A: Maximum prices for cotton goods. \* \* \*

(c) \* \* \*

\* Copies may be obtained from the Office of Price Administration.

\* 7 F.R. 1838, 1981, 2394, 3891, 5177, 7365.

\* 7 F.R. 1270, 1836, 2132, 2738, 2795, 3060, 3164, 3447, 3900, 6640, 7248, 7318.

Price in cents  
Product: per gallon  
47-49 gravity w.w. 6.00  
P. W. Distillate 5.50  
No. 3 gas oil, Straw 5.00  
U. G. I. gas oil 4.50

\* 7 F.R. 1107, 1371, 1798, 1799, 1836, 2132, 2304, 2352, 2634, 2945, 3116, 3482, 3524, 3576, 3895, 3963, 4483, 4653, 4854, 4857, 5481, 5867, 5868, 6057, 6167, 6471, 6680, 7242, 7838.

TABLE II.—*Location*

Refineries and terminals in State of Michigan.

## Destination

Points more than 35 miles from the city where the refinery or terminal is located.

Product:	Price in cents per gallon
47-49 gravity w.w.	5.50
P. W. Distillate	5.00
No. 3 gas oil, Straw	4.50
U. G. I. gas oil	4.50

(vi) *Shipments into Michigan.* Notwithstanding the provisions of § 1340.159 (b) above, where the petroleum products listed in the preceding subdivision are shipped from a refinery or terminal located outside the State of Michigan to a destination within that state, the maximum price of such refiner or terminal operator at a given destination point shall be the maximum f. o. b. price of the Michigan refinery or terminal nearest the destination, plus rail freight from such Michigan refinery or terminal to such destination point. Where the sale is made f. o. b. a refinery or terminal outside the State of Michigan, the f. o. b. price shall be such that the laid-down cost to the buyer at a given destination point in the State of Michigan shall not exceed the delivered price as computed under the preceding sentence.

## § 1340.158a Effective dates of amendments. \* \* \*

(ii) Amendment No. 35 (§ 1340.159 (c) (3) (v), (vi) to Revised Price Schedule No. 88) shall become effective October 28, 1942, and shall unless earlier revoked or replaced, expire on January 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of October 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-10691; Filed, October 22, 1942;  
12:36 p. m.]

## PART 1340—FUEL

[MPR 121,<sup>1</sup> Amendment 6]

## MISCELLANEOUS SOLID FUEL DELIVERED FROM PRODUCING FACILITIES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.\*

In § 1340.249 (e), a new subparagraph (3) is added to read as set forth below:

§ 1340.249 Appendix A: Maximum prices for miscellaneous solid fuels delivered from producing facilities. \* \* \*

(e) *Cash discounts, credit terms and special services.* \* \* \*

(3) The charge made for any special service (including, specifically but not exclusively, bags and bagging, specially prepared sizes, split cars containing more than one size, box car loading and truck

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup>7 F.R. 3237, 3989, 4483, 5941, 6002, 6386.

loading from any producing facility) shall not exceed:

(i) The charge made by the same person for the same special service supplied during the period December 15-31, 1941; or

(ii) In the case of a special service which was not supplied during the period December 15-31, 1941, the offering price which the same person then had in effect for the supply of the same special service; or

(iii) If, during the period December 15-31, 1941, the same person neither supplied nor had in effect an offering price for the same special service, then the charge made by such person during the period December 15-31, 1941, for the similar service most nearly like it.

## § 1340.250a Effective dates of amendments. \* \* \*

(f) Amendment No. 6 (§ 1340.249 (e) (3)) to Maximum Price Regulation No. 121 shall become effective October 28, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of October 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-10690; Filed, October 22, 1942;  
12:35 p. m.]

## PART 1361—FARM EQUIPMENT

[MPR 246]

## MANUFACTURERS' AND WHOLESALE PRICES FOR FARM EQUIPMENT

In the judgment of the Price Administrator, it is necessary and proper to establish manufacturers' and wholesale prices for farm equipment which differ in some respects from the maximum prices established by the General Maximum Price Regulation.<sup>1</sup>

The Price Administrator has ascertained and given due consideration to manufacturers' and wholesale prices of farm equipment prevailing between October 1 and 15, 1941, and has made adjustments for such relevant factors as he has determined to be of general applicability. In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Act.

A statement of the considerations involved in the issuance of this Maximum Price Regulation No. 246 has been issued simultaneously herewith, and has been filed with the Division of the Federal Register.\*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with Procedural Reg-

ulation No. 1<sup>2</sup> issued by the Office of Price Administration, Maximum Price Regulation No. 246 is hereby issued.

AUTHORITY: §§ 1361.51 to 1361.68, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1361.51 Prohibition against sales at higher than maximum prices. On and after November 15, 1942, no manufacturer or wholesale distributor of farm equipment shall sell or deliver any item of farm equipment or supply any manufacturing service in the production of any item of farm equipment at a price higher than the maximum price established by this Maximum Price Regulation No. 246, and no person in the course of trade or business shall buy or receive from a manufacturer or wholesale distributor any item of farm equipment or manufacturing service at a price higher than such maximum price, and no person shall agree, offer, solicit, or attempt to do any of the foregoing, except that this Maximum Price Regulation No. 246 does not apply to sales of farm equipment at retail, for which maximum prices are established by Maximum Price Regulation No. 133—Retail Prices for Farm Equipment.<sup>3</sup>

§ 1361.52 Maximum prices; general provisions. (a) If for any item of farm equipment the manufacturer or wholesale distributor had a price in effect on March 31, 1942, the maximum price to any purchaser shall be the highest net price such seller would have received on that date from a purchaser of the same class, after adjustment for all applicable extra charges, discounts or other allowances in effect on that date: *Provided*, That for any item for which a manufacturer's suggested retail price is in effect, the maximum price applicable to the sale of the item by a wholesale distributor, including all transfer and handling charges, shall in no event exceed the actual cost of freight to the dealer plus eighty-two percent of the manufacturer's suggested retail price.

(b) If for any item of farm equipment the manufacturer had no price in effect on March 31, 1942, but did have a price in effect on March 31, 1941, the maximum price to any purchaser shall be the highest net price such manufacturer would have received from a purchaser of the same class on the last date prior to March 31, 1942 when a price for the item was in effect, after adjustment for all applicable extra charges, discounts or other allowances in effect on that date.

§ 1361.53 Maximum prices; items modified since March 31, 1942, sold by the manufacturer—(a) Pricing formula. For any item of farm equipment in which a substantial change in design, specifications, or equipment has been made since March 31, 1942, or is made at any subsequent time, the manufacturer's maximum price for the item as modified shall be calculated as follows:

(1) The net increase or decrease in factory cost attributable to the change

<sup>1</sup>7 F.R. 971, 3663, 6967.

<sup>2</sup>7 F.R. 3185, 6936, 7599.

in design, specifications, or equipment shall first be computed using: material cost based on prices actually paid or to be paid, not to exceed maximum prices established by the Office of Price Administration for such materials; direct labor cost based on labor rates in effect on March 31, 1942; and factory overhead allocable to such material cost and/or direct labor cost, in accordance with the manufacturer's method of accounting, charged at the lowest actual rate or rates in effect during January, February, or March, 1942, or at the standard rate or rates, if any, consistently used by the manufacturer for price-determining purposes in March, 1942, whichever is lower. No charge for profit, for administrative or selling expenses, or for overhead, other than such factory overhead, shall be included in the net increase or decrease in factory cost attributable to the change.

(2) The net increase or decrease in factory cost so calculated shall then be added to or subtracted from the maximum price to the class of purchasers commanding the lowest net price for the item before modification. This computation provides the new maximum price for the item as modified when sold to the class of purchasers commanding the lowest net price.

(3) The maximum price to every other class of purchasers shall then be calculated by applying to the new lowest net price the same percentage price differential as was in effect between the former lowest net maximum price and the former net maximum price to such other class of purchasers.

(4) The new suggested list price, if any, shall be calculated by applying to the new lowest net price the same percentage price differential as was in effect between the former lowest net maximum price and the former suggested list price.

(b) *Reports.* Prior to or within ten days after first quoting a price for any such modified item, the manufacturer shall file a report with the Office of Price Administration, Washington, D. C., containing the following:

(1) The maximum price for the item prior to modification;

(2) The proposed maximum prices as computed in accordance with paragraph (a);

(3) The new suggested list price, f. o. b. factory, and the resulting net prices to the manufacturer, if lower than the maximum prices;

(4) A detailed statement describing the changes in design, specifications, or in equipment and explaining the calculation of the proposed maximum prices. For any modified item which has been sold or offered for sale in modified form prior to the effective date of this Maximum Price Regulation No. 246, the foregoing report shall be filed within ten days after such effective date, unless a report has already been filed pursuant to Order No. 51 issued under § 1499.3 (b) of the General Maximum Price Regulation.

(c) *Approval of prices.* If the Office of Price Administration approves the proposed maximum prices or fails to disapprove them within thirty days after re-

ceiving such report, the proposed maximum prices shall become the maximum prices applicable to all subsequent sales and deliveries: *Provided*, That if the Office of Price Administration later determines that such prices were not calculated in accordance with this Section such prices may at that time be disapproved, but such disapproval shall not be retroactive as to any deliveries made before the date of such disapproval. If the proposed maximum prices are at any time disapproved by the Office of Price Administration, the manufacturer shall file revised prices properly computed in accordance with the appropriate pricing formula provided in paragraph (a), and the provisions of this section shall apply in all respects to such revised prices. Any disapproval of prices will be embodied in an order upon request made within thirty days of such disapproval.

(d) *Interim pricing.* Prior to receipt of approval by the Office of Price Administration of any proposed price or prior to the expiration of the thirty-day period after filing the report required in paragraph (b) of this section, the proposed price may be tentative quoted and/or charged, but no more than 75% of the proposed price may be paid or received until a maximum price has been established, and final settlement shall be made in accordance with such maximum price.

§ 1361.54 *Maximum prices; new or "seasonal" items sold by manufacturers.* For any item of farm equipment which is an entirely new item and was not manufactured or sold by the manufacturer prior to March 31, 1942, or which has been completely redesigned since that date, or for which the manufacturer had no price in effect on March 31, 1942 for the "1942" season because it was his custom not to issue the season's price for such item until after March 31 in any year, the maximum price applicable to the sale by such manufacturer to any purchaser shall be computed on the basis of the following:

(a) *Pricing formula.* (1) The price-determining method which was in use on October 1, 1941, or during the selling season last prior to that date, applying the overhead rate or rates, machine hour rate or rates, if any, or other bases of computation which were in use on October 1, 1941, or during the selling season last prior to that date;

(2) To the extent that the price-determining method includes or is based on direct labor costs, the manufacturer shall use labor rates in effect on October 1, 1941;

(3) To the extent that the price-determining method includes or is based on prices for materials or manufacturing services, the manufacturer shall use material prices or prices for manufacturing services in effect on October 1, 1941;

(4) To the extent that the price-determining method includes freight rates paid, the manufacturer shall use freight rates in effect on March 31, 1942;

(5) All applicable extra charges, discounts or other allowances in use on October 1, 1941, or during the selling

season last prior to that date, to a purchaser of the same class.

(b) *Reports.* Prior to or within ten days after first quoting a price determined in accordance with the provisions of the foregoing pricing formula, the manufacturer shall file a report with the Office of Price Administration, Washington, D. C., containing a description of the item of farm equipment, the proposed maximum prices, the proposed suggested list price and applicable discounts, if any, a description of the nearest equivalent item of farm equipment sold on or before March 31, 1942, with the March 31, 1942, price and applicable discounts for such item, and an explanation of the determination of the proposed maximum price in accordance with the foregoing pricing formula. If the item being priced under this section has been sold or offered for sale prior to the effective date of this Maximum Price Regulation No. 246, the foregoing report shall be filed within ten days after such effective date.

(c) *Approval of prices.* If the Office of Price Administration approves the proposed maximum price or fails to disapprove it within thirty days after receiving such report, the proposed maximum price becomes the maximum price applicable to all subsequent sales and deliveries: *Provided*, That if the Office of Price Administration later determines that such price was not calculated in accordance with this section such price may at that time be disapproved, but such disapproval shall not be retroactive as to any deliveries made prior to the date of such disapproval. If the proposed maximum price is at any time disapproved by the Office of Price Administration, the manufacturer shall file a revised price properly computed in accordance with the pricing formula provided in paragraph (a) of this section, and the provisions of this section shall apply in all respects to such revised price. In the event that the Office of Price Administration finds that the manufacturer's production experience does not yet warrant the establishment of a permanent maximum price, the Office of Price Administration may give temporary approval to a proposed maximum price and require a further filing under this section at a later date. Any disapproval of prices will be embodied in an order upon request made within thirty days of such disapproval.

(d) *Interim pricing.* Prior to receipt of approval by the Office of Price Administration of any proposed price or prior to the expiration of the thirty-day period after filing the report required in paragraph (b) of this section, the proposed price may be tentatively quoted and/or charged, but no more than 75% of the proposed price may be paid or received until a maximum price has been established, and final settlement shall be made in accordance with such maximum price.

§ 1361.55 *Maximum prices; contracts with other manufacturers, mail-order companies, or government agencies.* For any item of farm equipment for the supply of which a contract has been or is entered into subsequent to March 31, 1942, with a government agency, or with

a person doing a mail-order or manufacturing business who has filed with the Office of Price Administration a statement that he will not in turn request a price adjustment on the item because of a change in the price to him made in accordance with this section:

(a) The maximum price shall be the last contract price for the item to the same customer agreed upon prior to March 31, 1942, plus a percentage increase equal to the percentage increase, if any, in the manufacturer's price to distributors for the same item made since such last contract was entered into but before March 31, 1942, or, in the case of a modified item, made pursuant to § 1361.53; or

(b) If the maximum price cannot be calculated under paragraph (a) of this section, the maximum price shall be a price calculated pursuant to the formula set forth in paragraph (a) of § 1361.54 and reported pursuant to paragraph (b) thereof.

**§ 1361.56 Maximum prices; manufacturing services.** For any manufacturing service in the production of an item of farm equipment the maximum price to any purchaser shall be the price for such service in effect on March 31, 1942 to a purchaser of the same class, or, if there was no price in effect on that date, a price computed on the basis of labor rates and/or machine hour rates in effect on March 31, 1942, by the price-determining method in use on that date. "Manufacturing service" means any operation in the production of an item of farm equipment performed on materials owned by another, including machining, forming, welding, treating, finishing, assembling, and inspecting.

**§ 1361.57 Maximum prices; items sold by wholesale distributors; special cases.** Notwithstanding any contrary provisions of § 1361.52 (a), in the circumstances specified in the following paragraphs (a), (b), and (c), maximum prices applicable to sales of farm equipment by wholesale distributors shall be determined in accordance with the applicable provisions of the following paragraphs, except that the maximum price applicable to the sale of any item of farm equipment by a wholesale distributor, including all transfer and handling charges, shall in no event exceed the actual cost of freight to the dealer plus eighty-two percent of the manufacturer's suggested retail price:

(a) For any item of farm equipment for which a wholesale distributor had no price in effect on March 31, 1942, the maximum price to any purchaser shall be determined by applying to the net invoiced cost of the item the percentage markup realized upon the last sale of the item to a purchaser of the same class prior to March 31, 1942, or, if no such sale was made during the year ending on that date, the weighted average percentage markup realized during the month of March 1942, for items of farm equipment of the same general class sold to purchasers of the same class.

(b) For any item of farm equipment for which the manufacturer's price to the distributor has been determined pursuant to § 1361.53, the maximum price applicable to the sale of the item by such distributor to any purchaser shall be determined by dividing the manufacturer's new price to the distributor (determined pursuant to § 1361.53) by the manufacturer's former price to the distributor (for the item before modification) and multiplying the result by the distributor's price to purchasers of the same class for the item before modification.

(c) (1) If for any item of farm equipment a wholesale distributor had a price in effect on March 31, 1942, which was based on a manufacturer's price lower than the manufacturer's price in effect on March 31, 1942, the maximum price applicable to the sale of the item by such distributor shall be the distributor's price to purchasers of the same class in effect on March 31, 1942, plus a percentage increase equal to the percentage increase in the manufacturer's price made prior to March 31, 1942.

(2) On or before December 31, 1942, every wholesale distributor shall file a report with the Office of Price Administration, Washington, D. C., for each item of farm equipment for which his maximum price or prices have been determined in accordance with subparagraph (1) of this paragraph (c), containing the following information: (i) a description of the item; (ii) the maximum price (or prices) determined in accordance with subparagraph (1); (iii) the distributor's price (or prices) in effect on March 31, 1942, and the date such price (or prices) became effective; (iv) the price to the distributor in effect on March 31, 1942, and the date such price became effective; (v) the price to the distributor upon which his March 31, 1942, price was based, and the period during which such price was effective.

**§ 1361.58 Export sales.** The maximum price at which a person may export any item of farm equipment shall be determined in accordance with the method provided in the Revised Maximum Export Price Regulation \* issued by the Office of Price Administration.

**§ 1361.59 Less than maximum prices.** Lower prices than those set forth in this Maximum Price Regulation No. 246 may be charged, demanded, paid or offered.

**§ 1361.60 Reports and records—(a) Reports.** Every manufacturer or wholesale distributor of farm equipment shall on or before November 25, 1942, file with the Office of Price Administration, Washington, D. C., all his price lists and discount sheets in effect on March 31, 1942, for items of farm equipment, together with an affirmation that such price lists and discount sheets were actually issued on or prior to and were in effect on March 31, 1942. Any manufacturer or wholesale distributor who on that date based his prices upon price sheets published by any other person

subject hereto need not file such other person's published price sheets but shall file instead a statement identifying the particular price sheets he used on that date, together with his own discount sheets, if any, and a statement of any exceptions to such practice.

**(b) Records.** Persons subject to this Maximum Price Regulation No. 246 shall keep available for inspection by representatives of the Office of Price Administration, for so long as the Emergency Price Control Act of 1942 remains in effect, the following records:

(1) **The manufacturer.** Records of each sale and delivery of any item of farm equipment after the effective date of this Maximum Price Regulation No. 246 and of each manufacturing service performed for another manufacturer; of labor rates, material prices, and overhead rates in effect on October 1, 1941, and on March 31, 1942; of all data showing the calculation of maximum prices in accordance with the provisions of this Maximum Price Regulation No. 246.

(2) **The wholesale distributor.** Records of the kind such seller has customarily kept, relating to the prices of items of farm equipment sold after the effective date of this Maximum Price Regulation No. 246 and in addition all data showing the calculation of maximum prices in accordance with the provisions of this Maximum Price Regulation No. 246.

(c) **Other records and reports.** Every person subject to this Maximum Price Regulation No. 246 shall keep such other records and submit such other reports, including periodic financial statements as the Office of Price Administration may from time to time require in writing, either in addition to or in substitution for records and reports herein required.

**§ 1361.61 Transfer of business or stock in trade.** If the business assets or stock in trade of any business are sold or otherwise transferred after March 31, 1942, and the transferee carries on the business, or continues to deal in the same type of farm equipment or parts, or to perform the same type of manufacturing services, in the same competitive area and in an establishment separate from any establishment which he may previously have owned or operated, the transferee shall be subject to the same maximum prices as those to which his transferor would have been subject under this Maximum Price Regulation No. 246 if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor in such cases shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this Maximum Price Regulation No. 246.

**§ 1361.62 Enforcement.** (a) Persons violating any provisions of this Maximum Price Regulation No. 246 are subject to the criminal penalties, civil en-

\* 7 F.R. 5059, 7242.

forcement actions, proceedings for suspension of licenses, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 246 or any price schedule, regulation, or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest state, district or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1361.63 *Evasion.* (a) It shall be a violation of this Maximum Price Regulation No. 246 to effect a price increase above the applicable maximum price in connection with any sale or delivery of any item of farm equipment, or with the supplying of any manufacturing service, by changing discounts or customary price differentials among classes of purchasers; by making minor changes in items of farm equipment having published or confidential list prices; by requiring a customer to furnish material for processing not in accordance with previous practice; by entering into a joint venture with any other person subject hereto for cross-selling, cross-purchasing, or cross-servicing; by reducing the period of any guaranty or warranty of performance; by eliminating or reducing any maintenance, repair, or installation service; by undervaluing commodities received in trade; or by any other change in terms or conditions of sale or contract.

(b) The Office of Price Administration may, upon request, grant written permission to any person subject to this Maximum Price Regulation No. 246 to change credit terms or guaranties in effect on March 31, 1942, where such change is necessitated by orders issued by the War Production Board, the Board of Governors of the Federal Reserve System or any other agency of the United States, or becomes desirable as a matter of public policy.

§ 1361.64 *Petitions for amendment—* (a) *Amendments.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 246 may file a petition for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1361.65 *Licensing; applicability of the registration and licensing provisions of the General Maximum Price Regulation.* (a) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person subject to this Maximum Price Regulation No. 246 selling at wholesale any item of farm equipment covered by this Maximum Price Regulation No. 246. When used in this section the term "selling at wholesale" shall have the meaning given it by § 1499.20 (p) of the General Maximum Price Regulation.

(b) Except as provided in paragraph (a) hereof, the provisions of this Maximum Price Regulation No. 246 supersede the provisions of the General Maximum Price Regulation with respect to

sales and deliveries for which maximum prices are established by this Maximum Price Regulation No. 246.

§ 1361.66 *Definitions.* (a) When used in this Maximum Price Regulation No. 246, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Manufacturer" means any person engaged in one or more operations in the fabrication, processing or assembling of any item of farm equipment, and includes subcontractors as well as prime contractors.

(3) "Wholesale distributor" means any "jobber" or other person engaged in the purchase and sale of farm equipment to other wholesale distributors or to retail dealers. If any person is engaged in selling farm equipment at retail as well as at wholesale, the term "wholesale distributor" applies to such person only to the extent that he is a wholesale distributor.

(4) "Farm equipment" means any mechanical equipment, attachment or part used primarily in connection with the production and farm processing for market and farm use of agricultural products, but does not include automobiles, trucks, general purpose tools, hand tools, building materials, electrical equipment (except fence controllers), sprays or other chemicals, commercial processing machinery, livestock, seeds, feeds or any other agricultural product. A partial list of "farm equipment" follows: farm and garden tractors (except crawler tractors); planting, seeding and fertilizing machinery; plows and listers; harrows, rollers, pulverizers, and stalk cutters; cultivators and weeders; harvesting machinery (combines, binders, pickers, potato diggers, pea and bean harvesters, beet lifters, etc.); haying machinery (mowers, rakes, hayloaders, stackers, balers, etc.); dairy farm equipment (milking machines, farm milk coolers, farm cream separators, etc.); poultry farm equipment (incubators, brooders, feeders, waterers, etc.); beekeepers' supplies; agricultural spraying equipment; barn and barnyard equipment; electric fence controllers; farm pumps and water systems; windmills; windmill generating sets; farm grain elevators, grain bins, corn cribs and silos; circular wood-sawing machines intended for farm use; machines for farm processing for market or farm use (farm size cane mills, cider mills, corn shellers, corn huskers and shredders, ensilage cutters, feed cutters, feed grinders and crushers, fruit presses, grain cleaners and graders, grain threshers, hammer mills, hay presses, peanut pickers, potato sorters and graders, syrup evaporators, etc.); buggies and farm wagons; and attachments and parts for all the foregoing.

(5) "Item of farm equipment" includes any item of complete farm equipment, any attachment for use therewith and any part thereof, whether in a finished or unfinished state, which is covered by

this Maximum Price Regulation No. 246. The coverage of this Maximum Price Regulation No. 246 is set forth in § 1361.67.

(6) "Price in effect" for any item of farm equipment on March 31, 1942, for any class of purchasers means (i) the price published in the manufacturer's or wholesale distributor's last price list actually issued to the trade and made effective on or before March 31, 1942, less all discounts and allowances, if any, applicable to that class of purchasers on that date, or (ii) where the manufacturer or wholesale distributor has issued no such published price, the price at which an order for such item was last accepted from a purchaser of the same class on or before that date.

(7) "Material prices" means prices for parts and subassemblies, as well as for raw and semi-finished materials.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this Maximum Price Regulation No. 246.

§ 1361.67 *Coverage of Maximum Price Regulation No. 246.* (a) Except as set forth in paragraph (b) of this section, this Maximum Price Regulation No. 246 applies to any item of complete farm equipment, any attachment for use therewith and any part thereof whether in a finished or unfinished state, and any manufacturing service in the production of any of the foregoing, as defined in § 1361.56. In any case of conflict, it supersedes the following maximum price regulations: Maximum Price Regulation No. 136—Machines and Parts and Machinery Services,<sup>8</sup> Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods other than Apparel,<sup>9</sup> and Maximum Price Regulation No. 210—Retail and Wholesale Prices for Fall and Winter Seasonal Commodities;<sup>10</sup> it also supersedes the General Maximum Price Regulation, except as provided in § 1361.65 (a).

(b) This Maximum Price Regulation No. 246 does not apply to:

(1) Any unfinished product in such form as to be used for other purposes as well as for farm equipment;

(2) Any product for which a maximum price is established by Revised Price Schedule No. 82—Wire, Cable, and Cable Accessories,<sup>8</sup> Maximum Price Regulation No. 147—Bolts, Nuts, Screws, and Rivets,<sup>9</sup> or Maximum Price Regulation No. 149—Mechanical Rubber Goods,<sup>10</sup> except when such product is sold as a finished attachment or replacement part for farm equipment by a person engaged in the business of selling complete farm equipment and/or a complete line of replacement parts for at least one item of complete farm equipment;

<sup>8</sup> 7 F.R. 5047, 5362, 5665, 5908, 6425, 6682, 6899, 6964, 6965, 6937, 6973, 7010, 7246, 7320, 7365, 7509, 7602, 7739, 7744, 7907, 7912, 7945.

<sup>9</sup> 7 F.R. 5872, 7967.

<sup>10</sup> 7 F.R. 7318, 7173, 6789, 7912.

<sup>8</sup> 7 F.R. 1358, 1836, 2133, 7034.

<sup>9</sup> 7 F.R. 3905, 3808.

<sup>10</sup> 7 F.R. 7173, 3889.

(3) Any product or any service for which a maximum price is established by any price schedule or maximum price regulation issued by the Office of Price Administration other than those specifically mentioned in paragraphs (a) or (b) of this section.

**§ 1361.68 Effective date.** This Maximum Price Regulation No. 246 (§§ 1361.51 to 1361.68, inclusive) shall become effective November 15, 1942.

Issued this 22d day of October 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-10684; Filed, October 22, 1942;  
12:38 p. m.]

#### PART 1363—FEEDINGSTUFFS

[RPS 73, as Amended;<sup>1</sup> Amendment 1]

##### FISH MEAL AND FISH SCRAP

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.\*

Subparagraphs (4) and (7) of paragraph (a) of § 1363.9, subparagraph (1) of paragraph (a) and paragraphs (g) and (h) of § 1363.12 are amended; subparagraph (5) of paragraph (a) of § 1363.12, §§ 1363.13, 1363.14, 1363.15, 1363.16 and paragraph (b) of § 1363.11 are added as set forth below.

**§ 1363.9 Definitions.** (a) When used in this Revised Price Schedule No. 73, as amended, the term: \* \* \*

(4) "Grade" means in the case of fish meal, the guaranteed minimum percentage of protein. It means in the case of fish scrap either the actual analysis of protein or the guaranteed minimum percentage of protein.

(7) "Commercial distributor" is a person who buys fish meal or fish scrap for resale (except at retail): *Provided*, That no manufacturer or processor shall be deemed to be a commercial distributor of fish meal or fish scrap manufactured or processed by him.

\* \* \* \* \*

**§ 1363.12 Maximum prices for sales of fish meal and fish scrap—(a) Maximum prices for sales of fish meal f. o. b. conveyance at fish reduction plant—(1) Maximum prices for sales of fish meal in new burlap bags.**

Guaranteed minimum percentage of protein (percent)	Pacific coast	Atlantic and Gulf coasts
	Dollars per ton	Dollars per ton
55.....	64.00	66.50
58.....	67.50	70.00
60.....	69.50	72.50
62.....	72.00	75.00
65.....	75.50	78.50
67.....	77.50	81.00
70.....	81.00	84.50
75.....	87.00	91.00

\* \* \* \* \*

\* Copies may be obtained from the Office of Price Administration.  
17 F.R. 2475, 2637.

(5) **Grades.** (i) Standard guaranteed minimum percentages of protein. Except as permitted under subdivision (ii), no person shall sell or offer to sell and no person in the course of trade or business shall buy or offer to buy fish meal except on the basis of one of the following standard guaranteed minimum percentages of protein: 55%, 58%, 60%, 62%, 65%, 67%, 70% and 75%. If however, the actual analysis differs from the guaranteed minimum percentage of protein, then:

(a) If above the guaranteed minimum percentage of protein, no increase in maximum prices is permitted.

(b) If one per cent or less below the guaranteed minimum percentage of protein, deduct \$1.50 per ton from the selling price.

(c) If more than one per cent below the guaranteed minimum percentage of protein, deduct \$3.00 per ton from the selling price for every per cent or fraction thereof.

(ii) Any person desiring to sell fish meal of a different grade from those of the standard guaranteed minimum percentages of protein listed in subdivision (i) may file with the Feed and Grain Section, Food and Food Products Branch, Office of Price Administration, Washington, D. C., an application verified by his oath or affirmation setting forth what grade he desires to sell and the reasons therefor, including all circumstances of hardship which he will suffer if required to sell on a standard guaranteed minimum percentage of protein. No fish meal of a different grade from the standard guaranteed minimum grades listed in subdivision (i) shall be sold or purchased unless the maximum price for such sale or purchase has been established by the Office of Price Administration by order in writing after an application has been filed hereunder.

\* \* \* \* \*

(g) **Maximum prices for imported fish meal and fish scrap.** The maximum delivered price per ton for fish meal and fish scrap imported into the continental United States (excluding Alaska) shall be computed as follows:

(1) **The Pacific Coast fish meal and fish scrap.** (i) For deliveries at points within the states of Washington and Oregon. The maximum f. o. b. price for sales of the same grade of fish meal or fish scrap by Pacific Coast fish reduction plants as determined under paragraphs (a) and (c) of this section, plus either \$5.10 per ton or customary costs for delivery from the fish reduction plant to f. o. b. inland conveyance Seattle, Washington less \$2.10 per ton, whichever is lower, plus the transportation charges from Seattle, Washington to the point of delivery. Transportation charges shall be computed at the lowest established rate for the mode of transportation employed for an identical shipment.

(ii) **For deliveries at other points.** The maximum f. o. b. price for sales of the same grade of fish meal or fish scrap by Pacific Coast fish reduction plants as determined under paragraphs (a) and (c) of this section, plus the freight charges to the point of delivery at the

lowest established rate for the mode of transportation employed for an identical shipment from either Seattle, Washington or San Francisco, California, whichever establishes the lower delivered price.

(2) **Atlantic and Gulf Coast fish meal and fish scrap.** For deliveries at any point. The maximum f. o. b. price for sales of the same grade of fish meal or fish scrap for Atlantic and Gulf Coast reduction plants as determined under paragraphs (a) and (c) of this section, plus the transportation charges to the point of delivery at the lowest established rate for the mode of transportation employed for an identical shipment from either Boston, Massachusetts or Baltimore, Maryland, whichever establishes the lower delivered price.

(h) **Maximum prices for sales by commercial distributors.** (1) Maximum prices for sales by persons functioning as commercial distributors during January 1942. The maximum prices for sales of fish meal and fish scrap by a person functioning as commercial distributor during January 1942 shall be the maximum price established under paragraphs (a) to (g) of this section, whichever are applicable, plus the mark-up in terms of dollars and cents per ton charged or that would have been charged by the commercial distributor for sales by him on January 17, 1942 in the same locality of fish meal or fish scrap of the same grade in a similar amount to a similar purchaser: *Provided*, That a commercial distributor determining his maximum price pursuant to this subparagraph (1) shall file with the Office of Price Administration in Washington, D. C. on or before November 15, 1942, his mark-up stating in detail all the cost items entering into his mark-up and all his discounts and allowances, in accordance with the form set forth in § 1363.16 Appendix A.

(2) **Maximum prices for sales by commercial distributors not functioning as such during January 1942.** The maximum price for sales of fish meal or fish scrap by a commercial distributor not functioning as such during January 1942 shall be the maximum price established under paragraphs (a) to (g) of this section, plus the mark-up of the commercial distributor located nearest to him as determined in subparagraph (1): *Provided*, That a commercial distributor determining his maximum price pursuant to this subparagraph (2) shall file with the Office of Price Administration in Washington, D. C. on or before November 15, 1942 the name, address and mark-up of the commercial distributor located nearest him.

(3) **Adjustment of mark-up of commercial distributors.** Any mark-up of a commercial distributor shall be subject to adjustment by the Price Administrator at any time.

**§ 1363.13 Licensing; applicability of the registration and licensing provisions of the General Maximum Price Regulation.** The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person subject to this

## FEDERAL REGISTER, Saturday, October 24, 1942

Revised Price Schedule No. 73 as amended, selling at wholesale any animal product feedingstuffs covered by this Revised Price Schedule No. 73 as amended. When used in this section the term "selling at wholesale" has the definition given to it by § 1499.20 (p) of the General Maximum Price Regulation. Said registration and licensing provisions become effective as to persons selling at wholesale on May 11, 1942.

§ 1363.14 *Duty to describe classification and grade.* No person shall sell or offer to sell and no person in the course of trade or business shall buy or receive any fish meal or fish scrap which have not been described according to classification and grade. The description of fish meal and fish scrap sold in bags or other containers shall be by means of a label or tag printed on or attached to the bags or other containers. Descriptions in the case of sales in bulk shall be by means of tag or certificate accompanying the shipment. A duplicate thereof shall be attached to the invoice, bill of lading, or other document accompanying the shipment.

§ 1363.15 *Applicability.* The provisions of this Revised Price Schedule No. 73 as amended, shall be applicable to the several states of the United States and the District of Columbia.

§ 1363.16 *Appendix A: Filing of mark-up and discounts by commercial distributors.* Each commercial distributor of fish meal or fish scrap shall submit to the Office of Price Administration in Washington, D. C. not later than November 15, 1942, a sworn statement showing in dollars and cents, the mark-up per ton of fish meal or fish scrap which was, or would have been, charged on January 17, 1942. For the purpose of this report, "mark-up" is defined as the difference between the price paid by the distributor for the product and the price at which the material was sold; both prices to be calculated on the same shipping basis.

For sales of fish meal or fish scrap shipped directly from the reduction plant to the purchaser, where no warehousing or handling charges need be considered, the mark-up shall be shown as a single figure in line (1) below.

The mark-up for sales of fish meal or fish scrap from the commercial distributor's warehouse which have been subject to the services coincident with warehousing, shall be broken down into the separate charges that compose the mark-up. This mark-up shall be the maximum amount added on January 17, 1942, to the cost of the fish meal or scrap without allowance for cash or quantity discounts.

The form of the report shall be:

1. Mark-up on direct shipments of fish meal or fish scrap, \$\_\_\_\_\_ per ton.
2. Mark-up on warehoused fish meal or fish scrap (Total a to f), \$\_\_\_\_\_ per ton.
  - a. Unloading and loading charges, \$\_\_\_\_\_ per ton.
  - b. Storage charge, \$\_\_\_\_\_ per ton.
  - (Number of months) \_\_\_\_\_
  - c. Insurance, \$\_\_\_\_\_ per ton.
  - d. Interest, \$\_\_\_\_\_ per ton.
  - e. Taxes, \$\_\_\_\_\_ per ton.
- (Personal property tax or other tax included in the mark-up)

f. All other charges including profit not set forth in items (a) thru (f) \$\_\_\_\_\_ per ton.

(Explain in detail).

3. Any quantity or cash discounts or allowances which would lower the mark-up shown in item 1 or 2.

\* \* \* \* \*

§ 1363.11 *Effective dates of amendments.* \* \* \*

(b) Amendment No. 1 (§§ 1363.9 (a) (4) and (a) (7), 1363.12 (a) (1) and (a) (5) (g) and (h), 1363.13, 1363.14, 1363.15, 1363.16 and 1363.11 (b)) to Revised Price Schedule No. 73, as amended, shall become effective October 28, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of October 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-10685; Filed, October 22, 1942; 12:36 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 63 Under § 1499.18 (b) of GMPR]

WILLAPOINT OYSTER COMPANY, INC.

Order No. 63 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-2116.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.863 *Adjustment of maximum prices for sales of canned oysters by Willapoint Oyster Company, Inc.* (a) Willapoint Oyster Company, Inc. of Seattle, Washington, may sell canned oysters at prices not higher than those set forth below:

(1) 10 oz. whole oysters @ \$1.75 per dozen f. o. b. Seattle, Washington;

(2) 10 oz. "cuts" oysters @ \$1.45 per dozen f. o. b. Seattle, Washington;

(3) 16 oz. "cuts" oysters @ \$2.00 per dozen f. o. b. Seattle, Washington.

(b) Willapoint Oyster Company, Inc. shall mail or cause to be mailed to all persons who purchase oysters from it for sale at retail a notice reading as follows:

The Office of Price Administration, by Order No. 63 effective October 23, 1942, pursuant to § 1499.18 of General Maximum Price Regulation, has permitted us to raise our maximum price for sales to you on the following:

(1) 10 oz. whole oysters from \$1.65 per dozen to \$1.75 per dozen f. o. b. Seattle, Washington;

(2) 10 oz. "cuts" oysters from \$1.40 per dozen to \$1.45 per dozen f. o. b. Seattle, Washington;

(3) 16 oz. "cuts" oysters from \$1.43½ per dozen to \$2.00 per dozen f. o. b. Seattle, Washington.

Subject to all discounts, allowances and trade practices which we had in effect during March, 1942 with respect to sales of Willapoint Oysters.

The order does not permit you or any other retailer to raise maximum prices, as established under the General Maximum Price Regulation, for sales of Willapoint Oysters at retail.

The permission to increase our price was granted by the Office of Price Administration upon the basis of a showing that the maxi-

mum retail prices for sales of Willapoint Oysters established by the General Maximum Price Regulation are such that no hardship would be imposed upon retailers generally if they were required to pay the increased price. However, if your maximum price is abnormally low in relation to the maximum prices established for sales of Willapoint Oysters by other competitive sellers at retail and if the price charged to you by us pursuant to the Order should impose a substantial hardship upon you, you may communicate with the nearest district, state, or regional office of the Office of Price Administration setting forth the facts of your situation.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 63 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 63 (§ 1499.863) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 63 (§ 1499.863) shall become effective October 23, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of October 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-10678; Filed, October 22, 1942; 12:34 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 64 Under § 1499.18 (b) of GMPR]

M & M LIMITED

Order No. 64 under § 1499.18 (b) of the General Maximum Price Regulation—Docket GF3-1408.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.864 *Adjustment of maximum prices for candy coated chocolates sold by M. & M. Limited of Newark, New Jersey.* (a) M. & M. Limited of 285 Badger Avenue, Newark, New Jersey, is hereby authorized to sell and deliver, and any person may buy and receive from the M. & M. Limited the following commodities at prices not higher than those set forth below:

(i) 11 ounce cellophane bags of candy coated chocolates at \$2.25 per dozen;

(ii) 25 pound cartons of candy coated chocolates in bulk at 24¢ per pound.

(b) The adjustment granted to the M. & M. Limited is subject to the condition that purchasers from M. & M. Limited shall in no event charge more for candy coated chocolates at retail than their maximum prices as determined under paragraph (a) of § 1499.2 of the General Maximum Price Regulation or as adjusted under paragraph (a) of § 1499.18 of said regulation.

(c) M. & M. Limited shall mail or cause to be mailed to all persons who purchase candy coated chocolates from it for sale at retail a notice reading as follows:

The Office of Price Administration, by Order No. 64, effective October 23, 1942, pursuant to section 18 (b) of the General Maximum

Price Regulation has permitted us to raise our maximum price for sales to you of candy coated chocolates from \$2.06 to \$2.25 per dozen of 11 ounce bags, and from 21¢ to 24¢ per pound for 25 pound bulk cartons, subject to all discounts, allowances and trade practices which we had in effect during March 1942 with respect to sales of candy coated chocolates.

The Order does not permit you or any other retailer to raise maximum prices, as established under the General Maximum Price Regulation, for sales of candy coated chocolates at retail.

The permission to increase our price was granted by the Office of Price Administration upon the basis of a showing that the maximum retail prices for sales of candy coated chocolates established by the General Maximum Price Regulation are such that no hardship would be imposed upon retailers generally if they were required to pay the increased price. However, if your maximum price is abnormally low in relation to the maximum prices established for sales of candy coated chocolates by other competitive sellers at retail and if the price charged to you by us pursuant to the Order should impose a substantial hardship upon you, you may communicate with the nearest district, state, or regional office of the Office of Price Administration setting forth the facts of your situation.

(d) All prayers of the application not granted herein are denied.

(e) This Order No. 64 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 64 (§ 1499.864) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 64 (§ 1499.864) shall become effective October 23, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of October 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-10632; Filed, October 22, 1942;  
12:29 p. m.]

**PART 1499—COMMODITIES AND SERVICES**

[Order 85 Under § 1499.18 (c) of GMPR]

**REMPIS & DUUS FOUNDRY CO.**

Order No. 85 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3-1658.

§ 1499.935 Order denying application for adjustment of Rempis & Duus Foundry Co. On August 28, 1942, Rempis & Duus Foundry Co., 524 Front Avenue, N. W., Grand Rapids, Michigan, filed an application for adjustment, pursuant to Procedural Regulation No. 6, of the maximum price established for certain gray iron castings used in band sawing machines. Thereupon, pursuant to the request of the Office of Price Administration, said Company on September 24, 1942 filed further data with the Office of Price Administration in support of its application. Since it does not appear that the gray iron castings involved are sold pursuant to a Government contract

or a subcontract under any such contract as required under Procedural Regulation No. 6, the application has been treated as an application for adjustment under § 1499.18 (c) of the General Maximum Price Regulation. Due consideration has been given to the application, and an opinion in support of this Order No. 85 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulations No. 1 and No. 6 issued by the Office of Price Administration, it is hereby ordered that said application be, and it hereby is, denied.

(a) This Order No. 85 (§ 1499.935) shall become effective October 23, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of October 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-10681; Filed, October 22, 1942;  
12:30 p. m.]

**PART 1499—COMMODITIES AND SERVICES**

[Order 87 Under § 1499.18 (c) of GMPR]

**COLUMBIA TERMINALS COMPANY, INC.**

Order No. 87 under § 1499.18 (c) of the General Maximum Price Regulation—Dockets Nos. GF3-794 and 1114.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.937 Adjustment of maximum prices for contract carrier services sold by Columbia Terminals Company, Inc. (a) Columbia Terminals Company, Inc., 214 East St. Clair Street, Indianapolis, Indiana, may sell and deliver, and Sears, Roebuck and Company, Indianapolis, Indiana, and Cincinnati, Ohio, may buy and receive from the Columbia Terminals Company, Inc., contract carrier services at prices not higher than those set forth below:

For delivery services performed in and around Indianapolis, Indiana:

*Per hour*

Per vehicle, including driver and helper..... \$2.5199

Per vehicle, including driver..... 1.70

For delivery services performed in and around Cincinnati, Ohio:

*Per hour*

Per vehicle, including driver and helper..... \$2.32

Per vehicle, including driver..... 1.70

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 87 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 87 (§ 1499.937) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 87 (§ 1499.937) shall become effective October 23, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of October 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-10679; Filed, October 22, 1942;  
12:33 p. m.]

**PART 1499—COMMODITIES AND SERVICES**

[Order 88 Under § 1499.18 (c) of GMPR]

**ELK TRANSPORTATION COMPANY, INC.**

Order No. 88 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3-1841.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.938 Adjustment of maximum prices for contract carrier services sold by Elk Transportation Company, Inc. (a) Elk Transportation Company, Inc., of 916 Grand Street, Brooklyn, New York, may sell and deliver, and the R. J. Reynolds Tobacco Company and the Philip Morris & Company, Ltd., Inc., may buy

Issued this 22d day of October 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-10683; Filed, October 22, 1942;  
12:29 p. m.]

and receive from Elk Transportation Company, contract carrier services at prices not higher than those set forth below:

MAXIMUM PRICES, CENTS PER 100 POUNDS, FOR DELIVERY FROM HARBORSIDE WAREHOUSE, 29 EXCHANGE PLACE, OR 629 GROVE STREET, JERSEY CITY, NEW JERSEY

To—	Truck load minima		Less than truck loads	Minimum charge per stop
	8,500 lbs.	10,000 lbs.		
Manhattan 86th St. and South		.17½	.25	.85
Manhattan & Bronx North of 86th Street		.25	.30	.85
Brooklyn, New York		.18½	.26	.85
Jersey City, N. J. & Hoboken, N. J.		.15	.19	.85
Newark, N. J.		.17	.21½	.85
North Bergen, Irvington, Harrison, Kearney, N. J.		.17	.21½	1.25
East & West Oranges, N. J.		.19	.33½	1.25
Elizabeth, N. J.		.19	.33½	1.25
Bayonne, N. J.		.19	.33½	1.25
Lakeview, N. J.		.19	.33½	1.25
West New York, N. J.		.19	.33½	1.25
Paterson, N. J.		.19	.33	1.25
Passaic, N. J.		.19	.33	1.25
Bloomfield, N. J.		.19	.33½	1.25
Hackensack, N. J.		.19	.33½	1.25
Hillside, N. J.		.19	.33½	1.25
Montclair, N. J.		.19	.33½	1.25
Teaneck, N. J.		.19	.33½	1.25
Union City, N. J.		.19	.33½	1.25
Carlstadt, N. J.		.19	.33½	1.25
Nutley, N. J.		.19	.33½	1.25
Rutherford, N. J.		.19	.33½	1.25
Jamaica, L. I.		.22	.28	1.75
Queens, L. I.		.22	.28	1.75
Glendale, L. I.		.22	.28	1.75
Queens Village		.22	.28	1.75
Long Island City, L. I.		.22	.26	1.25
Huntington, L. I.		.40	.55	1.75
Corona, L. I.			.42	1.75
Far Rockaway, L. I.			.46	1.75
Patchogue, L. I.		.52	.69	1.75
Flushing, L. I.			.42	1.75
Central Islip and Kings Park			.69	1.75
Freeport, L. I.			.53	1.75
Garden City, L. I.			.39	1.75
Mineola, L. I.			.39	1.75
Mitchell Field, L. I.			.39	1.75
Hempstead, L. I.			.39	1.75
St. Albans, L. I.			.34	1.75
Woodside, L. I.			.47	1.75
Welfare Island			.25	1.25
Staten Island			.43	3.25
Governors Island, N. Y.				3.25
Fort Totten, N. Y.				3.25
Northport				3.25
Yonkers, N. Y.		.25	.47	4.50
Dover, N. J.			.47	1.25
Metuchen, N. J.			.47	1.25
New Brunswick, N. J.			.47	1.25
Perth Amboy, N. J.			.47	1.25
Wards Island			.31	1.75
Brentwood, L. I.			.65	1.75

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 88 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 88 (§ 1499.938) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 88 (§ 1499.938) shall become effective October 23, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of October 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-10680; Filed, October 22, 1942;  
12:38 p. m.]

#### DEFINITIONS

##### § 1315.151 Definitions. \*

(ll) "Grade III" as applied to tires, means a used or recapped tire, or a tire manufactured principally from reclaimed rubber as specified by the War Production Board.

(mm) "Dealer" means any person, other than a manufacturer, engaged in the business of recapping tires, or selling tires, tubes, or camelback.

#### APPLICATION FOR CERTIFICATES

§ 1315.603b *Filing of application for allotment of Grade III tires.* Application by a dealer for certificates authorizing the acquisition of an allotment of Grade III tires shall be filed on OPA Form R-45 with the Board for the area in which the establishment for which the allotment is sought is located.

#### TIRE AND TUBE CERTIFICATE

§ 1315.708 *Certificates for allotment of Grade III tires—(a) Eligibility for allotment.* The Board may issue a certificate on OPA Form R-46 authorizing an applicant who is a dealer or manufacturer to acquire an allotment of Grade III tires for each establishment operated by him for which OPA Form R-17 has been filed for the quarter ending September 30, 1942, or for each establishment operated by him for which he was not required to file OPA Form R-17 under § 1315.1003 (d), or which has been established pursuant to an authorization of the Office of Price Administration since October 1, 1942.

(b) *Amount of allotment.* Each applicant may be allotted one Grade III tire for each \$1000 of his 1941 retail and wholesale net dollar sales of passenger-type tires and tubes from the establishment for which allotment is sought, but no allotment shall be in excess of two hundred (200) and any applicant shall be entitled to at least twelve (12) Grade III tires: *Provided*, That a certificate shall be granted to authorize the acquisition of no more than the difference between such allotment and his inventory of Grade III tires, as of September 30, 1942: *Provided further*, That permitted transfers between September 30, 1942, and the date of the filing of the application shall be taken into account in determining his actual inventory.

(c) *One allotment only.* The Board shall grant only one allotment to an applicant for each establishment for which an allotment is sought.

§ 1315.709 *Disposition of OPA Form R-46.* A transferor of Grade III passenger-type tires to whom a certificate on OPA Form R-46 is surrendered shall fill

#### PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[Revised Tire Rationing Regulations, Amendment 40]

#### TIRES AND TUBES, RETREADING AND RECAPPING OF TIRES, AND CAMELBACK

Section 1315.803 (c) (2) is amended; new paragraphs (ll) and (mm) are added to § 1315.151; new §§ 1315.603b, 1315.708, 1315.709, and 1315.808 are added; and new subparagraphs (8) and (9) are added to § 1315.802 (d) as set forth below:

<sup>1</sup> 7 F.R. 1027, 1089, 2107, 2541, 2633, 2945, 2948, 3235, 3237, 3551, 3830, 4176, 4336, 4493, 4543, 4544, 4617, 4856, 5023, 5274, 5276, 5566, 5605, 5867, 6428, 6775, 7034, 7241, 7669, 7670, 7743, 7777, 7902, 7834, 7941, 7963, 7973.

in those parts thereof which he is required to complete by the instructions on such Form, and dispose of them as follows:

(a) Part A shall be retained by the transferor as his record.

(b) Part B, when transferred to a manufacturer for purposes of replenishment, shall be cancelled and retained by the manufacturer as his record and shall be marked "void except for replenishment by \_\_\_\_\_. The name of the first manufacturer to whom Part B is surrendered shall be inserted in the blank and Part B shall be used only for replenishment by such manufacturer.

(c) The transferor shall within three days of the date of transfer of the Grade III passenger-type tires send Part C to the issuing Board which shall retain it as its record.

(d) Part D shall be retained by the transferee as his record.

\* \* \* \* \*

TRANSFERS AND DELIVERIES OF NEW TIRES AND TUBES, RETREADED OR RECAPPED TIRES, GRADE III TIRES, AND CAMELBACK

§ 1315.302 Permitted and prohibited deliveries of retreaded or recapped tires, or Grade III tires. \* \* \*

(d) \* \* \*

(8) Any manufacturer who has acquired from Defense Supplies Corporation a Grade III tire that requires recapping or any dealer who has acquired such tire in exchange for OPA Form R-48 may transfer such tire to a recapper accompanied by Part A of OPA Form R-48. The recapper may transfer a recapped tire to such manufacturer or dealer in exchange for Part B of OPA Form R-48. Part A of Form R-48 shall be retained by the recapper, and Part B may be used for securing replenishment of eight and one-half (8 1/2) pounds of passenger-type camelback.

(9) No person shall transfer Part B of OPA Form R-48 and no person shall accept such transfer unless the transferor first endorses his name and address thereon.

§ 1315.803 Permitted and prohibited deliveries of camelback. \* \* \*

(c) \* \* \*

(2) No delivery provided in subparagraph (1) may be made except in exchange for the replenishment portion of a certificate (Part B of OPA Form R-2 (Revised)), or the replenishment portion of a receipt (Part B of OPA Form R-12) for either retreaded or recapped tires or camelback issued pursuant to § 1315.804, or the replenishment portion (Part B) of the certificate authorizing the purchase of an initial allotment of camelback issued pursuant to § 1315.805, or the replenishment portion of a certificate (Part B of OPA Form R-48) authorizing the recapping of a Grade III passenger-type tire. No person shall transfer Part B of OPA Form R-2 (revised) or Part B of OPA Form R-48 and no person shall accept such transfer, unless the transferor first endorses his name and address thereon.

\* \* \* \* \*

§ 1315.808 Transfer by manufacturer or dealer of Grade III tires. (a) Any manufacturer or dealer may, in exchange

for a certificate on OPA Form R-46, transfer the number of Grade III tires authorized thereon to a dealer. No manufacturer who has a supply of Grade III tires of the size ordered may refuse to transfer them to a dealer who presents a certificate (OPA Form R-46) for an allotment of Grade III tires if the dealer's order is accompanied with the proper amount of cash or its equivalent. A manufacturer shall fill all accepted orders for Grade III tires received on one day before filling any orders received on any subsequent day.

(b) A manufacturer who obtains from Defense Supplies Corporation a Grade III tire that requires recapping and transfers such tire to a dealer shall at the same time transmit OPA Form R-48 to the dealer.

(c) Defense Supplies Corporation shall transmit one copy of OPA Form R-48 with each tire that requires recapping which it transfers to a manufacturer.

\* \* \* \* \*

§ 1315.1199a Effective dates of amendments. \* \* \*

(mm) Amendment No. 40 (§§ 1315.151, 1315.603, 1315.708, 1315.709, 1315.802, 1315.803, 1315.808) to Revised Tire Rationing Regulations shall become effective October 22, 1942.

(Pub. Laws 421 and 729, 77th Cong., O.P.M. Supp. Order M-15-c, W.P.B. Dir. 1, Supp. Dir. 1B, 6 F.R. 6792, 7 F.R. 121, 350, 434, 473, 562, 925, 1009, 1026)

Issued this 22d day of October 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-10699; Filed, October 22, 1942; 5:13 p. m.]

(Pub. Laws 421 and 729, 77th Cong., O.P.M. Supp. Order M-15c, W.P.B. Dir. 1, Supp. Dir. 1B, 6 F.R. 6792; 7 F.R. 562, 925, 7871)

Issued this 22d day of October 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-10698; Filed, October 22, 1942; 5:12 p. m.]

PART 1351—FOODS AND FOOD PRODUCTS

[Temporary MPR 22, Amendment 4]

CERTAIN ESSENTIAL FOOD PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

New paragraphs (b) and (c) are added to § 1351.802 as set forth below:

§ 1351.802 Maximum prices \* \* \*

(b) If the seller cannot determine his maximum price for a listed food product under the foregoing, because neither he nor his most closely competitive seller of the same class delivered or offered for delivery such listed food product to a purchaser of the same class during the base period of September 28, 1942, to October 2, 1942, inclusive, he may determine his maximum price by the following procedure applied in the following order:

(1) By taking the maximum price of the same or similar listed food product most nearly like it which he charged a different class of purchaser during such base period, and adjusting the price to reflect the customary differential between the two classes of purchasers.

(2) By taking the maximum price of the same or similar listed food product most nearly like it charged by his most closely competitive seller of the same class to a different class of purchaser during such base period, and adjusting that maximum price to reflect the customary differential between the price charged that different class of purchaser by such competitor, and the price for that class of purchaser for whom a maximum price is sought by the seller.

(c) If the seller cannot determine his maximum price for a listed food product under the foregoing, because neither he nor his most closely competitive seller of the same class delivered or offered for delivery the same or a similar listed food product during such base period, he may determine his maximum price by the following procedure applied in the following order:

(1) By taking the maximum price for the most nearly similar listed food product that he has delivered or offered for delivery during such base period, and adjusting the price to reflect the customary differential between the two commodities.

(2) By taking the maximum price for the most nearly similar listed food product delivered or offered for delivery by his most closely competitive seller of the

17 F.R. 7914, 8023, 8197, 8358.

\* See Amendment 39, *supra*.

same class during such base period, and adjusting that maximum price to reflect the customary differential between the price charged by such competitive seller for such nearly similar listed food product, and the price for that listed food product for which a maximum price is sought by the seller.

**§ 1351.814 Effective dates of amendment.**

(d) Amendment No. 4 (§ 1351.802 (b) and (c)) to Temporary Maximum Price Regulation 22 shall become effective October 22, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of October 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-10694; Filed, October 22, 1942;  
3:26 p. m.]

**PART 1388—DEFENSE-RENTAL AREAS**

[Maximum Rent Regulation 53]

**HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES**

In the judgment of the Administrator, rents for housing accommodations within each of the Defense-Rental Areas set out in § 1388.281 (a) of this Maximum Rent Regulation, as designated in the designations and rent declarations issued by the Administrator on April 28, 1942, as amended, on May 26, 1942, on June 3, 1942, on June 26, 1942, on July 29, 1942, and on August 13, 1942, have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in the said designations and rent declarations.

It is the judgment of the Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within each such Defense-Rental Area inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within each such Defense-Rental Area on or about March 1, 1942. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this Maximum Rent Regulation for housing accommodations within each such Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation No. 53 is hereby issued.

**AUTHORITY:** §§ 1388.281 to 1388.294, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

**§ 1388.281 Scope of regulation.** (a) This Maximum Rent Regulation No. 53 applies to all housing accommodations within each of the following Defense-Rental Areas (each of which is referred to hereinafter in this Maximum Rent Regulation as the "Defense-Rental Area"), as designated in the designations and rent declarations (§§ 1388.1201 to 1388.1205, 1388.1251 to 1388.1255, 1388.1301 to 1388.1305, 1388.1311 to 1388.1215, 1388.1321 to 1388.1325, and 1388.1331 to 1388.1335, inclusive) issued by the Administrator on April 28, 1942, as amended, on May 26, 1942, on June 3, 1942, on June 26, 1942, on July 29, 1942, and on August 13, 1942, except as provided in paragraph (b) of this section.

(1) The Gadsden Defense Rental Area, consisting of the County of Etowah, in the State of Alabama.

(2) The Montgomery Defense-Rental Area, consisting of the Counties of Elmore and Montgomery, in the State of Alabama.

(3) The Newport-Walnut Ridge Defense-Rental Area, consisting of the Counties of Craighead, Independence, Jackson, and Lawrence, in the State of Arkansas.

(4) The Lassen County Defense-Rental Area, consisting of the County of Lassen, in the State of California.

(5) The Los Angeles Defense-Rental Area, consisting of the Counties of Los Angeles and Orange, in the State of California.

(6) The Riverside Defense-Rental Area, consisting of the County of Riverside, in the State of California.

(7) The La Junta Defense-Rental Area, consisting of the County of Otero, in the State of Colorado.

(8) The Pueblo Defense-Rental Area, consisting of the County of Pueblo, in the State of Colorado.

(9) The Wilmington, Delaware Defense-Rental Area, consisting of the County of New Castle, in the State of Delaware; and the County of Salem, in the State of New Jersey.

(10) The Sebring Defense-Rental Area, consisting of the County of Highlands, in the State of Florida.

(11) The Tallahassee Defense-Rental Area, consisting of the County of Leon, in the State of Florida.

(12) The Albany, Georgia Defense-Rental Area, consisting of the County of Dougherty, in the State of Georgia.

(13) The Hinesville Defense-Rental Area, consisting of the County of Liberty, in the State of Georgia.

(14) The Moultrie Defense-Rental Area, consisting of the County of Colquitt, in the State of Georgia.

(15) The Valdosta Defense-Rental Area, consisting of the County of Lowndes, in the State of Georgia.

(16) The Quincy Defense-Rental Area, consisting of the County of Adams, in the State of Illinois; and the Counties of Lewis and Marion, in the State of Missouri.

(17) The Bedford Defense-Rental Area, consisting of the Counties of Lawrence and Martin, in the State of Indiana.

(18) The Connerville Defense-Rental Area, consisting of the County of Fayette, in the State of Indiana.

(19) The La Fayette Defense-Rental Area, consisting of the Counties of Fountain, Tippecanoe, and Warren, in the State of Indiana.

(20) The Terre Haute Defense-Rental Area, consisting of the County of Vigo, in the State of Indiana.

(21) The Topeka-Lawrence Defense-Rental Area, consisting of the Counties of Douglas, Franklin, and Shawnee, in the State of Kansas.

(22) The Fort Knox Defense-Rental Area, consisting of the Counties of Bullitt, Hardin, and Meade, in the State of Kentucky.

(23) The Morganfield Defense-Rental Area, consisting of the County of Union, in the State of Kentucky.

(24) The Paducah Defense-Rental Area, consisting of the County of McCracken, in the State of Kentucky.

(25) The Richmond, Kentucky Defense-Rental Area, consisting of the County of Madison, in the State of Kentucky.

(26) The Baton Rouge Defense-Rental Area, consisting of the Parishes of East Baton Rouge and West Baton Rouge, in the State of Louisiana.

(27) The Monroe-Bastrop, Louisiana Defense-Rental Area, consisting of the Parishes of Morehouse, Ouachita, and Union, in the State of Louisiana.

(28) The Indian Head Defense-Rental Area, consisting of the County of Charles, in the State of Maryland.

(29) The Eastern Massachusetts Defense-Rental Area, consisting of the Counties of Barnstable, Bristol, Middlesex, Norfolk, Plymouth, and Suffolk, in the State of Massachusetts.

(30) The Pittsfield Defense-Rental Area, consisting of the County of Berkshire, in the State of Massachusetts.

(31) The Adrian Defense-Rental Area, consisting of the County of Lenawee, in the State of Michigan.

(32) The Duluth-Superior Defense-Rental area, consisting of the Counties of Carlton and St. Louis, in the State of Minnesota; and the County of Douglas, in the State of Wisconsin.

(33) The Minneapolis-St. Paul Defense-Rental Area, consisting of the Counties of Anoka, Dakota, Hennepin, Ramsey, and Washington, in the State of Minnesota.

(34) The Columbus, Mississippi Defense-Rental Area, consisting of the County of Lowndes, in the State of Mississippi.

(35) The Great Falls Defense-Rental Area, consisting of the County of Cascade, in the State of Montana.

(36) The Alliance Defense-Rental Area, consisting of the County of Box Butte, in the State of Nebraska.

(37) The Manchester Defense-Rental Area, consisting of the County of Hillsborough, in the State of New Hampshire.

(38) The Trenton Defense-Rental Area, consisting of the Counties of Hunterdon and Mercer, in the State of New Jersey.

(39) The Deming Defense-Rental Area, consisting of the County of Luna, in the State of New Mexico.

(40) The Hobbs Defense-Rental Area, consisting of the County of Lea, in the State of New Mexico.

(41) The Albany-Troy (New York) Defense-Rental Area, consisting of the Counties of Albany and Rensselaer, in the State of New York.

(42) The Binghamton Defense-Rental Area, consisting of the Counties of Broome and Tioga, in the State of New York.

(43) The Seneca Defense-Rental Area, consisting of the Counties of Ontario, Seneca, and Yates, in the State of New York.

(44) The Syracuse Defense-Rental Area, consisting of the Counties of Cayuga, Onondaga, and Oswego, in the State of New York.

(45) The Jacksonville (North Carolina) Defense-Rental Area, consisting of the County of Onslow, in the State of North Carolina.

(46) The Ashtabula Defense-Rental Area, consisting of the County of Ashtabula, in the State of Ohio.

(47) The Cincinnati Defense-Rental Area, consisting of the Counties of Butler, Clermont, Hamilton, and Warren, in the State of Ohio; and the Counties of Boone, Campbell, and Kenton, in the State of Kentucky.

(48) The Columbus, Ohio Defense-Rental Area, consisting of the County of Franklin, in the State of Ohio.

(49) The Lima Defense-Rental Area, consisting of the County of Allen, in the State of Ohio.

(50) The Mansfield Defense-Rental Area, consisting of the Counties of Ashland, Crawford, and Richland, in the State of Ohio.

(51) The Sidney, Ohio Defense-Rental Area, consisting of the County of Shelby, in the State of Ohio.

(52) The Toledo Defense-Rental Area, consisting of the Counties of Lucas and Wood, in the State of Ohio; and the County of Monroe, in the State of Michigan.

(53) The McAlester Defense-Rental Area, consisting of the Counties of Atoka, Haskell, Hughes, Latimer, McIntosh, and Pittsburg, in the State of Oklahoma.

(54) The Muskogee Defense-Rental Area, consisting of the County of Muskogee, in the State of Oklahoma.

(55) The Norman Defense-Rental Area, consisting of the Counties of Cleveland and McClain, in the State of Oklahoma.

(56) The Oklahoma City Defense-Rental Area, consisting of the County of Oklahoma, in the State of Oklahoma.

(57) The Astoria Defense-Rental Area, consisting of the County of Clatsop, in the State of Oregon.

(58) The Corvallis Defense-Rental Area, consisting of the Counties of Benton and Linn, in the State of Oregon.

(59) The Altoona-Johnstown Defense-Rental Area, consisting of the Counties of Blair, Cambria, and Somerset, in the State of Pennsylvania.

(60) The Harrisburg Defense-Rental Area, consisting of the Counties of Cumberland, Dauphin, Lebanon, and Perry, in the State of Pennsylvania.

(61) The Lancaster-York Defense-Rental Area, consisting of the Counties of Lancaster and York, in the State of Pennsylvania.

(62) The Reading Defense-Rental Area, consisting of the County of Berks, in the State of Pennsylvania.

(63) The Williamsport Defense-Rental Area, consisting of the County of Lycoming, in the State of Pennsylvania.

(64) The Providence Defense-Rental Area, consisting of the Counties of Bristol, Kent, and Providence, in the State of Rhode Island.

(65) The Washington County Defense-Rental Area, consisting of the County of Washington, in the State of Rhode Island.

(66) The Columbia, South Carolina Defense-Rental Area, consisting of the Counties of Calhoun, Lexington, and Richland, in the State of South Carolina.

(67) The Greenville, South Carolina Defense-Rental Area, consisting of the County of Greenville, in the State of South Carolina.

(68) The Spartanburg Defense-Rental Area, consisting of the Counties of Cherokee, Spartanburg, and Union, in the State of South Carolina.

(69) The Provo-Hot Springs, South Dakota Defense-Rental Area, consisting of the County of Fall River, in the State of South Dakota.

(70) The Sioux Falls Defense-Rental Area, consisting of the Counties of Lincoln, Minnehaha, and Turner, in the State of South Dakota; the County of Lyon, in the State of Iowa; and the County of Rock, in the State of Minnesota.

(71) The Bristol-Kingsport Defense-Rental Area, consisting of the Counties of Greene, Hawkins, Sullivan, Unicoi, and Washington, in the State of Tennessee; and the Independent City of Bristol and the Counties of Scott and Washington, in the State of Virginia.

(72) The Knoxville Defense-Rental Area, consisting of the Counties of Blount and Knox, in the State of Tennessee.

(73) The Bastrop, Texas Defense-Rental Area, consisting of the County of Bastrop, in the State of Texas.

(74) The Dallas Defense-Rental Area, consisting of the County of Dallas, in the State of Texas.

(75) The Houston-Galveston Defense-Rental Area, consisting of the Counties of Brazoria, Chambers, Galveston, Harris, and Liberty, in the State of Texas.

(76) The Killeen-Temple Defense-Rental Area, consisting of the Counties of Bell and Coryell, in the State of Texas.

(77) The Lower Rio Grande Valley Defense-Rental Area, consisting of the Counties of Cameron, Hidalgo, and Willacy, in the State of Texas.

(78) The Marfa Defense-Rental Area, consisting of the County of Presidio, in the State of Texas.

(79) The Paris, Texas Defense-Rental Area, consisting of the County of Lamar, in the State of Texas; and the County of Choctaw, in the State of Oklahoma.

(80) The Pecos Defense-Rental Area, consisting of the Counties of Reeves and Ward, in the State of Texas.

(81) The San Angelo Defense-Rental Area, consisting of the County of Tom Green, in the State of Texas.

(82) The Sherman-Denison Defense-Rental Area, consisting of the County of Grayson, in the State of Texas.

(83) The Wichita Falls Defense-Rental Area, consisting of the County of Wichita, in the State of Texas.

(84) The Tooele-Wendover Defense-Rental Area, consisting of the County of Tooele, in the State of Utah.

(85) The Blackstone Defense-Rental Area, consisting of the County of Nottoway, in the State of Virginia.

(86) The Yorktown Defense-Rental Area, consisting of the Independent City of Williamsburg; the Counties of James City and York; and in the County of Warwick the Magisterial Districts of Denbigh and Stanley, in the State of Virginia.

(87) The Bellingham Defense-Rental Area, consisting of the County of Whatcom, in the State of Washington.

(88) The Pasco Defense-Rental Area, consisting of the County of Franklin, in the State of Washington.

(89) The Port Angeles-Port Townsend Defense-Rental Area, consisting of the Counties of Clallam and Jefferson, in the State of Washington.

(90) The Huntington Defense-Rental Area, consisting of the Counties of Cabell and Wayne, in the State of West Virginia; the County of Lawrence, in the State of Ohio; and the Counties of Boyd and Greenup, in the State of Kentucky.

(91) The Wheeling-Steubenville Defense-Rental Area, consisting of the Counties of Brooke, Hancock, Marshall, Ohio, and Wetzel, in the State of West Virginia; and the Counties of Belmont, Columbiana, and Jefferson, in the State of Ohio.

(92) The Beloit-Janesville Defense-Rental Area, consisting of the County of Rock, in the State of Wisconsin.

(93) The Eau Claire Defense-Rental Area, consisting of the Counties of Chippewa, Dunn, and Eau Claire, in the State of Wisconsin.

(94) The Sparta Defense-Rental Area, consisting of the County of Monroe, in the State of Wisconsin.

(95) The Alaska Defense-Rental Area, consisting of the Territory of Alaska.

(b) This Maximum Rent Regulation does not apply to the following:

(1) Housing accommodations situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon;

(2) Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part;

(3) Rooms or other housing accommodations within hotels or rooming houses, or housing accommodations which have been, with the consent of the Administrator, brought under the control of the Maximum Rent Regulation for Hotels and Rooming Houses pursuant to the provisions of that regulation: *Provided*, That this Maximum Rent Regulation does apply to entire structures or premises though used as hotels or rooming houses.

(c) The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this Maximum Rent Regulation.

(d) An agreement by the tenant to waive the benefit of any provision of this Maximum Rent Regulation is void. A tenant shall not be entitled by reason of this Maximum Rent Regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of this Maximum Rent Regulation.

**§ 1388.282 Prohibition against higher than maximum rents.** (a) Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for use or occupancy on and after the effective date of this Maximum Rent Regulation No. 53 of any housing accommodations within the Defense-Rental Area higher than the maximum rents provided by this Maximum Rent Regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this Maximum Rent Regulation may be demanded or received.

(b) Notwithstanding any other provision of this Maximum Rent Regulation, where housing accommodations are heated with fuel oil the landlord of such accommodations may as hereinafter provided enter into an agreement with the tenant providing for payment by the tenant of part or all of the cost of changing the heating unit to use some fuel other than oil or of installing a new heating unit using some fuel other than oil. Prior to making such agreement the landlord shall in writing report the terms of the proposed agreement to the Area Rent Office. The landlord may enter into the agreement either upon its approval by the Administrator or, unless the Administrator has disapproved the proposed agreement within 5 days after the filing of such report, upon the expiration of such 5-day period.

(c) Where a lease of housing accommodations was entered into prior to the effective date of this Maximum Rent Regulation and the tenant as a part of such lease or in connection therewith was granted an option to buy the housing accommodations which were the subject of the lease, with the further provision that some or all of the payments made under the lease should be credited toward the purchase price in the event such option is exercised, the landlord, notwithstanding any other provision of this Maximum Rent Regulation, may be authorized to receive payments made by the tenant in accordance with the provisions of such lease and in excess of the maximum rent for such housing accommodations. Such authority may be secured only by a written request of the tenant to the Area Rent Office and shall be granted by order of the Administrator if he finds that such payments in excess of the maximum rent will not be inconsistent with the purposes of the Act or this Maximum Rent Regulation and would not be likely to result in the circumvention or evasion thereof. After entry of such order the landlord shall be authorized to demand, receive and retain payments provided by the lease in excess of the maximum rent for periods commencing on or after the effective date of this Maximum Rent Regulation. After entry of such order, the provisions of the lease may be enforced in accordance with law, notwithstanding any other provision of this Maximum Rent Regulation: *Provided, however*, That if at the termination of the lease the tenant shall not exercise the option to buy, the landlord may thereafter remove or evict the tenant only in accordance with the provisions of § 1388.286 of this Maximum Rent Regulation. Nothing in this paragraph shall be construed to authorize the landlord to demand or receive payments in excess of the maximum rent in the absence of an order of the Administrator as herein provided. Where a lease of housing accommodations has been entered into on or after the effective date of this Maximum Rent Regulation, and the tenant as a part of such lease or in connection therewith has been granted an option to buy the housing accommodations which are the subject of the lease, the landlord, prior to the exercise by the tenant of the option to buy, shall not demand or receive payments in excess of the maximum rent, whether or not such lease allocates some portion or portions of the periodic payments therein provided as payments on or for the option to buy.

**§ 1388.283 Minimum services.** The maximum rents provided by this Maximum Rent Regulation No. 53 are for housing accommodations including, as a minimum, services of the same type, quantity and quality as those provided on the date determining the maximum rent. If, on the effective date of this Maximum Rent Regulation, the services provided for housing accommodations are less than such minimum services the landlord shall either restore and main-

tain the minimum services or, within 30 days after such effective date, file a petition pursuant to § 1388.285 (b) for approval of the decreased services. In all other cases, except as provided in § 1388.285 (b), the landlord shall provide the minimum services unless and until an order is entered pursuant to that section approving a decrease of such services.

**§ 1388.284 Maximum rents.** Maximum rents (unless and until changed by the Administrator as provided in § 1388.285) shall be:

(a) For housing accommodations rented on March 1, 1942, the rent for such accommodations on that date.

(b) For housing accommodations not rented on March 1, 1942, but rented at any time during the two months ending on that date, the last rent for such accommodations during that two-month period.

(c) For housing accommodations not rented on March 1, 1942 nor during the two months ending on that date, but rented prior to the effective date of this Maximum Rent Regulation No. 53, the first rent for such accommodations after March 1, 1942. The Administrator may order a decrease in the maximum rent as provided in § 1388.285 (c).

(d) For (1) newly constructed housing accommodations without priority rating first rented after March 1, 1942 and before the effective date of this Maximum Rent Regulation, or (2) housing accommodations changed between those dates so as to result in an increase or decrease of the number of dwelling units in such housing accommodations, or (3) housing accommodations changed between those dates from unfurnished to fully furnished, or from fully furnished to unfurnished, or (4) housing accommodations substantially changed between those dates by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, the first rent for such accommodations after such construction or change: *Provided, however*, That, where such first rent was fixed by a lease which was in force at the time of a major capital improvement, the maximum rent shall be the first rent after termination of such lease. The Administrator may order a decrease in the maximum rent as provided in § 1388.285 (c).

(e) For (1) newly constructed housing accommodations without priority rating first rented on or after the effective date of this Maximum Rent Regulation, or (2) housing accommodations changed on or after such effective date so as to result in an increase or decrease of the number of dwelling units in such housing accommodations, or (3) housing accommodations not rented at any time between January 1, 1942 and such effective date, the first rent for such accommodations after the change or the effective date, as the case may be. Within 30 days after so renting the landlord shall register the accommodations as provided in § 1388.287. The Administrator may order a decrease in the maximum rent as provided in § 1388.285 (c).

(f) For housing accommodations constructed with priority rating from the United States or any agency thereof for which the rent has been heretofore or is hereafter approved by the United States or any agency thereof, the rent so approved, but in no event more than the rent on March 1, 1942, or, if the accommodations were not rented on that date, more than the first rent after that date.

(g) For housing accommodations constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942, as determined by the owner of such accommodations: *Provided, however,* That any corporation formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in § 1388.285 (c).

(h) For housing accommodations rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department, the rents established on the effective date of this Maximum Rent Regulation by such rent schedule. The Administrator may order an increase in such rents, if he finds that such increase is not inconsistent with the purposes of the Act or this Maximum Rent Regulation.

§ 1388.285 *Adjustments and other determinations.* In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required. In those cases involving a major capital improvement, an increase or decrease in the furniture, furnishings or equipment, an increase or decrease of services or a deterioration, the adjustment in the maximum rent shall be the amount the Administrator finds would have been on March 1, 1942 the difference in the rental value of the housing accommodations by reason of such change. In all other cases, except those under paragraphs (a) (7) and (c) (6) of this section, the adjustment shall be on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942. In cases involving construction due consideration shall be given to increased costs of construction, if any, since March 1, 1942. In cases under paragraphs (a) (7) and (c) (6) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable housing accommodations during the year ending on March 1, 1942.

(a) Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the grounds that:

(1) There has been on or after the effective date of this Maximum Rent Regulation No. 53 a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) There was, prior to March 1, 1942 and within the six months ending on that date, a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, and the rent on March 1, 1942 was fixed by a lease which was in force at the time of such change.

(3) There has been a substantial increase in the services, furniture, furnishings or equipment provided with the housing accommodations since the date or order determining its maximum rent.

(4) The rent on the date determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant and as a result was substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

(5) There was in force on March 1, 1942, a written lease, which had been in force for more than one year on that date, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942; or the housing accommodations were not rented on March 1, 1942, but were rented during the two months ending on that date and the last rent for such accommodations during that two-month period was fixed by a written lease, which was in force more than one year prior to March 1, 1942, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

(6) The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a substantially higher rent at other periods during the term of such lease or agreement.

(7) The rent on the date determining the maximum rent was substantially lower than at other times of year by reason of seasonal demand for such housing accommodations. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(b) If, on the effective date of this Maximum Rent Regulation the services provided for housing accommodations are less than those provided on the date determining the maximum rent, the landlord shall either restore the services to those provided on the date determining the maximum rent and maintain such services or, within 30 days after such effective date file a petition requesting approval of the decreased services. Except as above provided, the landlord shall maintain the minimum services unless and until he has filed a petition to de-

crease services and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, he shall file a petition within five days after the change of services occurs. The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent.

(c) The Administrator at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) The maximum rent for housing accommodations under paragraphs (c), (d), (e), or (g) of § 1388.284 is higher than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

(2) There has been a substantial deterioration of the housing accommodations other than ordinary wear and tear since the date or order determining its maximum rent.

(3) There has been a substantial decrease in the services, furniture, furnishings or equipment provided with the housing accommodations since the date or order determining its maximum rent.

(4) The rent on the date determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant and as a result was substantially higher than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

(5) The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a substantially lower rent at other periods during the term of such lease or agreement.

(6) The rent on the date determining the maximum rent was substantially higher than at other times of year by reason of seasonal demand for such housing accommodations. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(d) If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed within 30 days after the effective date of this Maximum Rent Regulation, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the rent which he finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

(e) Where, at the expiration or other termination of an underlying lease or other rental agreement, housing accommodations or a predominant part thereof are occupied by one or more subtenants

or other persons occupying under a rental agreement with the tenant, the landlord may rent the entire premises for use by similar occupancy for a rent not in excess of the aggregate maximum rents of the separate dwelling units, or may rent the separate dwelling units for rents not in excess of the maximum rents applicable to such units.

Where housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant, the tenant may petition the Administrator for leave to exercise any right he would have except for this Maximum Rent Regulation to sell his underlying lease or other rental agreement. The Administrator may grant such petition if he finds that the sale will not result, and that sales of such character would not be likely to result, in the circumvention or evasion of the Act or this Maximum Rent Regulation. He may require that the sale be made on such terms as he deems necessary to prevent such circumvention or evasion.

(f) Where a petition is filed by a landlord on one of the grounds set out in paragraph (a) of this section, the Administrator may enter an interim order increasing the maximum rent until further order, subject to refund by the landlord to the tenant of any amount received in excess of the maximum rent established by final order upon such petition. The receipt by the landlord of any increased rent authorized by such interim order shall constitute an agreement by the landlord with the tenant to refund to the tenant any amount received in excess of the maximum rent established by final order. The landlord shall make such refund either by repayment in cash or, where the tenant remains in occupancy after the effective date of the final order, by deduction from the next installment of rent, or both.

(g) No adjustment in the maximum rent shall be ordered on the ground that the landlord, since the date or order determining the maximum rent, has, as a part of or in connection with a lease of housing accommodations, granted the tenant an option to buy the accommodations which are the subject of the lease. Where a lease of housing accommodations was in force on the date determining the maximum rent, and the landlord had on that date, as a part of or in connection with such lease, granted the tenant an option to buy the accommodations which are the subject of the lease, the Administrator may, on or after the termination of such lease, on his own initiative or on application of the tenant, enter an order fixing the maximum rent on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable housing accommodations not subject to an option to buy on March 1, 1942.

§ 1388.286 *Restrictions on removal of tenant.* (a) So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant shall be removed from any housing accommoda-

tions, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated, and regardless of any contract, lease, agreement or obligation heretofore or hereafter entered into which provides for entry of judgment upon the tenant's confession for breach of the covenants thereof or which otherwise provides contrary hereto, unless:

(1) The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement except insofar as such terms and conditions are inconsistent with this Maximum Rent Regulation No. 53; or

(2) The tenant has unreasonably refused the landlord access to the housing accommodations for the purpose of inspection or of showing the accommodations to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the accommodations is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure, such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the housing accommodations for an immoral or illegal purpose; or

(4) The tenants' lease or other rental agreement has expired or otherwise terminated, and at the time of termination the housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons who occupied under a rental agreement with the tenant; or

(5) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the housing accommodations or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(6) The landlord owned, or acquired an enforceable right to buy or the right to possession of, the housing accommodations prior to the effective date of this Maximum Rent Regulation, and seeks in good faith to recover possession of such accommodations for immediate use and occupancy as a dwelling for himself. If a tenant has been removed or evicted under this paragraph (a) (6) from housing accommodations, the landlord shall

file a written report on a form provided therefor before renting the accommodations or any part thereof during a period of six months after such removal or eviction.

(b) (1) No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this Maximum Rent Regulation and would not be likely to result in the circumvention or evasion thereof.

(2) Removal or eviction of a tenant for occupancy by a purchaser who has acquired his rights in the housing accommodations on or after the effective date of this Maximum Rent Regulation, is inconsistent with the purposes of the Act and this Maximum Rent Regulation and would be likely to result in the circumvention or evasion thereof, unless (i) the payment or payments of principal made by the purchaser, excluding any payments made from funds borrowed for the purpose of making such principal payments, aggregate 33 1/3% or more of the purchase price, and (ii) a period of three months has elapsed after the issuance of a certificate by the Administrator as hereinafter provided. For the purposes of this paragraph (b) (2), the payments of principal may be made by the purchaser conditionally or in escrow to the end that they shall be returned to the purchaser in the event the Administrator denies a petition for a certificate. If the Administrator finds that the required payments of principal have been made, he shall, on petition of either the vendor or purchaser, issue a certificate authorizing the purchaser to pursue his remedies for removal or eviction of the tenant in accordance with the requirements of the local law at the expiration of three months after the date of issuance of such certificate. In no other case shall the Administrator issue a certificate for occupancy by a purchaser who has acquired his rights in the housing accommodations on or after the effective date of this Maximum Rent Regulation, unless he finds that the vendor has or had a substantial necessity requiring the sale and that a reasonable sale or disposition of the accommodations could not be made without removal or eviction of the tenant, or unless he finds that other special hardship would result; under such circumstances the payment by the purchaser of 33 1/3% of the purchase price shall not be a condition to the issuance of a certificate, and the certificate shall authorize the vendor or purchaser to pursue his remedies for removal or eviction of the tenant in accordance with the requirements of the local law.

(c) The provisions of this section do not apply to a subtenant or other person who occupied under a rental agreement with the tenant, where removal or evic-

tion of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant.

The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

(d) (1) Every notice to a tenant to vacate or surrender possession of housing accommodations shall state the ground under this section upon which the landlord relies for removal or eviction of the tenant. A written copy of such notice shall be given to the Area Rent Office within 24 hours after the notice is given to the tenant.

No tenant shall be removed or evicted from housing accommodations, by court process or otherwise, unless, at least ten days prior to the time specified for surrender of possession and to the commencement of any action for removal or eviction, the landlord has given written notices of the proposed removal or eviction to the tenant and to the Area Rent Office, stating the ground under this section upon which such removal or eviction is sought and specifying the time when the tenant is required to surrender possession.

Where the ground for removal or eviction of a tenant is non-payment of rent, every notice under this paragraph (d) (1) shall state the rent for the housing accommodations, the amount of rent due and the rental period or periods for which such rent is due. The provisions of this paragraph (d) (1) shall not apply where a certificate has been issued by the Administrator pursuant to the provisions of paragraph (b) of this section.

(2) At the time of commencing any action to remove or evict a tenant, including an action based upon non-payment of rent, the landlord shall give written notice thereof to the Area Rent Office stating the title of the case, the number of the case where that is possible, the court in which it is filed, the name and address of the tenant, and the ground under this section on which removal or eviction is sought.

(e) No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

**§ 1388.287 Registration.** Within 45 days after the effective date of this Maximum Rent Regulation No. 53, or within 30 days after the property is first rented, whichever date is the later, every landlord of housing accommodations rented or offered for rent shall file in triplicate a written statement on the form provided therefor to be known as a registration statement. The statement shall identify each dwelling unit and specify the maximum rent provided by this Maximum Rent Regulation for

such dwelling unit and shall contain such other information as the Administrator shall require. The original shall remain on file with the Administrator and he shall cause one copy to be delivered to the tenant and one copy, stamped to indicate that it is a correct copy of the original, to be returned to the landlord. In any subsequent change of tenancy the landlord shall exhibit to the new tenant his stamped copy of the registration statement, and shall obtain the tenant's signature and the date thereof on the back of such statement. Within five days after renting to a new tenant, the landlord shall file a notice on the form provided therefor, on which he shall obtain the tenant's signature, stating that there has been a change in tenancy, that the stamped copy of the registration statement has been exhibited to the new tenant and that the rent for such accommodations is in conformity therewith.

No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

When the maximum rent is changed by order of the Administrator, the landlord shall deliver his stamped copy of the registration statement to the Area Rent Office for appropriate action reflecting such change.

The foregoing provisions of this section shall not apply to housing accommodations under § 1388.284 (g). The owner of such housing accommodations shall file a schedule or schedules, setting out the maximum rents for all such accommodations in the Defense-Rental Area and containing such other information as the Administrator shall require. A copy of such schedule or schedules shall be posted by the owner in a place where it will be available for inspection by the tenants of such housing accommodations.

The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including any civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

The provisions of this section shall not apply to housing accommodations in the Cincinnati Defense-Rental Area.

**§ 1388.288 Inspection.** Any person who rents or offers for rent or acts as a broker or agent for the rental of housing accommodations and any tenant shall permit such inspection of the accommodations by the Administrator as he may, from time to time, require.

**§ 1388.289 Evasion.** The Maximum rents and other requirements provided in this Maximum Rent Regulation No. 53 shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of housing accommodations, by way of absolute or conditional sale, sale with purchase money or other form of mortgage, or sale with option to repurchase, or by modification of the practices relating to payment of commissions or other charges or by modification of the services

furnished with housing accommodations, or otherwise.

**§ 1388.290 Enforcement.** Persons violating any provision of this Maximum Rent Regulation No. 53 are subject to criminal penalties, civil enforcement actions and suits for treble damages as provided for by the Act.

**§ 1388.291 Procedure.** All registration statements, reports and notices provided for by this Maximum Rent Regulation No. 53 shall be filed with the Area Rent Office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

**§ 1388.292 Petitions for amendment.** Persons seeking any amendment of general applicability to any provision of this Maximum Rent Regulation No. 53 may file petitions therefor in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

**§ 1388.293 Definitions.** (a) When used in this Maximum Rent Regulation No. 53:

(1) The term "Act" means the Emergency Price Control Act of 1942.

(2) The term "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) The term "Rent Director" means the person designated by the Administrator as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) The term "Area Rent Office" means the office of the Rent Director in the Defense-Rental Area.

(5) The term "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(6) The term "housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(7) The term "services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of housing accommodations.

(8) The term "landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations, or an agent of any of the foregoing.

(9) The term "tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

(10) The term "rent" means the consideration, including any bonus, benefit, or gratuity, demanded or received for the use or occupancy of housing accommodations or for the transfer of a lease of such accommodations.

(11) The term "hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(12) The term "rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short time basis of daily, weekly, or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this Maximum Rent Regulation.

§ 1388.294 *Effective date of the regulation.* This Maximum Rent Regulation No. 53 (§§ 1388.281 to 1388.294, inclusive) shall become effective November 1, 1942.

Issued this 22d day of October 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-10701; Filed, October 22, 1942;  
5:11 p. m.]

#### PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 54A]

##### HOTELS AND ROOMING HOUSES

In the judgment of the Administrator, rents for housing accommodations within each of the Defense-Rental Areas set out in § 1388.331 (a) of this Maximum Rent Regulation, as designated in the designations and rent declarations issued by the Administrator on April 28, 1942, as amended, on May 26, 1942, on June 3, 1942, on June 26, 1942, on July 29, 1942, and on August 13, 1942, have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in the said designations and rent declarations.

It is the judgment of the Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within each such Defense-Rental Area inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has therefore ascertained and given due consideration to the rents

prevailing for housing accommodations within each such Defense-Rental Area on or about March 1, 1942. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this Maximum Rent Regulation for rooms in hotels and rooming houses within each such Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation No. 54A is hereby issued.

AUTHORITY: §§ 1388.331 to 1388.344, inclusive, issued under Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871.

§ 1388.331 *Scope of regulation.* (a) This Maximum Rent Regulation No. 54A applies to all rooms in hotels and rooming houses within each of the following Defense-Rental Areas (each of which is referred to hereinafter in this Maximum Rent Regulation as the "Defense-Rental Area"), as designated in the Designations and Rent Declarations (§§ 1388.1201 to 1388.1205, 1388.1251 to 1388.1255, 1388.1301 to 1388.1305, 1388.1311 to 1388.1315, 1388.1321 to 1388.1325, and 1388.1331 to 1388.1335, inclusive) issued by the Administrator on April 28, 1942, as amended, on May 26, 1942, on June 3, 1942, on June 26, 1942, on July 29, 1942, and on August 13, 1942, except as provided in paragraph (b) of this section:

(1) The Gadsden Defense-Rental Area, consisting of the County of Etowah, in the State of Alabama.

(2) The Montgomery Defense-Rental Area, consisting of the Counties of Elmore and Montgomery, in the State of Alabama.

(3) The Newport-Walnut Ridge Defense-Rental Area, consisting of the Counties of Craighead, Independence, Jackson, and Lawrence, in the State of Arkansas.

(4) The Lassen County Defense-Rental Area, consisting of the County of Lassen, in the State of California.

(5) The Los Angeles Defense-Rental Area, consisting of the Counties of Los Angeles, and Orange, in the State of California.

(6) The Riverside Defense-Rental Area, consisting of the County of Riverside, in the State of California.

(7) The La Junta Defense-Rental Area, consisting of the County of Otero, in the State of Colorado.

(8) The Pueblo Defense-Rental Area, consisting of the County of Pueblo, in the State of Colorado.

(9) The Wilmington, Delaware Defense-Rental Area, consisting of the County of New Castle, in the State of Delaware; and the County of Salem, in the State of New Jersey.

(10) The Sebring Defense-Rental Area, consisting of the County of Highlands, in the State of Florida.

(11) The Tallahassee Defense-Rental Area, consisting of the County of Leon, in the State of Florida.

(12) The Albany, Georgia Defense-Rental Area, consisting of the County of Dougherty, in the State of Georgia.

(13) The Hinesville Defense-Rental Area, consisting of the County of Liberty, in the State of Georgia.

(14) The Moultrie Defense-Rental Area, consisting of the County of Colquitt, in the State of Georgia.

(15) The Valdosta Defense-Rental Area, consisting of the County of Lowndes, in the State of Georgia.

(16) The Quincy Defense-Rental Area, consisting of the County of Adams, in the State of Illinois; and the Counties of Lewis and Marion, in the State of Missouri.

(17) The Bedford Defense-Rental Area, consisting of the Counties of Lawrence and Martin, in the State of Indiana.

(18) The Connersville Defense-Rental Area, consisting of the County of Fayette, in the State of Indiana.

(19) The La Fayette Defense-Rental Area, consisting of the Counties of Fountain, Tippecanoe, and Warren, in the State of Indiana.

(20) The Terre Haute Defense-Rental Area, consisting of the County of Vigo, in the State of Indiana.

(21) The Topeka-Lawrence Defense-Rental Area, consisting of the Counties of Douglas, Franklin, and Shawnee, in the State of Kansas.

(22) The Fort Knox Defense-Rental Area, consisting of the Counties of Bullitt, Hardin, and Meade, in the State of Kentucky.

(23) The Morganfield Defense-Rental Area, consisting of the County of Union, in the State of Kentucky.

(24) The Paducah Defense-Rental Area, consisting of the County of McCracken, in the State of Kentucky.

(25) The Richmond, Kentucky Defense-Rental Area, consisting of the County of Madison, in the State of Kentucky.

(26) The Baton Rouge Defense-Rental Area, consisting of the Parishes of East Baton Rouge and West Baton Rouge, in the State of Louisiana.

(27) The Monroe-Bastrop, Louisiana Defense-Rental Area, consisting of the Parishes of Morehouse, Ouachita, and Union, in the State of Louisiana.

(28) The Indian Head Defense-Rental Area, consisting of the County of Charles, in the State of Maryland.

(29) The Eastern Massachusetts Defense-Rental Area, consisting of the Counties of Barnstable, Bristol, Middlesex, Norfolk, Plymouth, and Suffolk, in the State of Massachusetts.

(30) The Pittsfield Defense-Rental Area, consisting of the County of Berkshire, in the State of Massachusetts.

(31) The Adrian Defense-Rental Area, consisting of the County of Lenawee, in the State of Michigan.

(32) The Duluth-Superior Defense-Rental Area, consisting of the Counties of Carlton and St. Louis, in the State of Minnesota; and the County of Douglas, in the State of Wisconsin.

(33) The Minneapolis-St. Paul Defense-Rental Area, consisting of the Counties of Anoka, Dakota, Hennepin, Ramsey, and Washington, in the State of Minnesota.

(34) The Columbus, Mississippi Defense-Rental Area, consisting of the County of Lowndes, in the State of Mississippi.

(35) The Great Falls Defense-Rental Area, consisting of the County of Cascade, in the State of Montana.

(36) The Alliance Defense-Rental Area, consisting of the County of Box Butte, in the State of Nebraska.

(37) The Manchester Defense-Rental Area, consisting of the County of Hillsborough, in the State of New Hampshire.

(38) The Trenton Defense-Rental Area, consisting of the Counties of Hunterdon and Mercer, in the State of New Jersey.

(39) The Deming Defense-Rental Area, consisting of the County of Luna, in the State of New Mexico.

(40) The Hobbs Defense-Rental Area, consisting of the County of Lea, in the State of New Mexico.

(41) The Albany-Troy, New York Defense-Rental Area, consisting of the Counties of Albany and Rensselaer, in the State of New York.

(42) The Binghamton Defense-Rental Area, consisting of the Counties of Broome and Tioga, in the State of New York.

(43) The Seneca Defense-Rental Area, consisting of the Counties of Ontario, Seneca, and Yates, in the State of New York.

(44) The Syracuse Defense-Rental Area, consisting of the Counties of Cayuga, Onondaga, and Oswego, in the State of New York.

(45) The Jacksonville, North Carolina Defense-Rental Area, consisting of the County of Onslow, in the State of North Carolina.

(46) The Ashtabula Defense-Rental Area, consisting of the County of Ashtabula, in the State of Ohio.

(47) The Cincinnati Defense-Rental Area, consisting of the Counties of Butler, Clermont, Hamilton, and Warren, in the State of Ohio; and the Counties of Boone, Campbell, and Kenton in the State of Kentucky.

(48) The Columbus, Ohio Defense-Rental Area, consisting of the County of Franklin, in the State of Ohio.

(49) The Lima Defense-Rental Area, consisting of the County of Allen, in the State of Ohio.

(50) The Mansfield Defense-Rental Area, consisting of the Counties of Ashland, Crawford, and Richland, in the State of Ohio.

(51) The Sidney, Ohio Defense-Rental Area, consisting of the County of Shelby, in the State of Ohio.

(52) The Toledo Defense-Rental Area, consisting of the Counties of Lucas and Wood, in the State of Ohio; and the County of Monroe, in the State of Michigan.

(53) The McAlester Defense-Rental Area, consisting of the Counties of Atoka, Haskell, Hughes, Latimer, McIntosh, and Pittsburg, in the State of Oklahoma.

(54) The Muskogee Defense-Rental Area, consisting of the County of Muskogee, in the State of Oklahoma.

(55) The Norman Defense-Rental Area, consisting of the Counties of Cleveland and McClain, in the State of Oklahoma.

(56) The Oklahoma City Defense-Rental Area, consisting of the County of Oklahoma, in the State of Oklahoma.

(57) The Astoria Defense-Rental Area, consisting of the County of Clatsop, in the State of Oregon.

(58) The Corvallis Defense-Rental Area, consisting of the Counties of Benton and Linn, in the State of Oregon.

(59) The Altoona-Johnstown Defense-Rental Area, consisting of the Counties of Blair, Cambria, and Somerset, in the State of Pennsylvania.

(60) The Harrisburg Defense-Rental Area, consisting of the Counties of Cumberland, Dauphin, Lebanon, and Perry, in the State of Pennsylvania.

(61) The Lancaster-York Defense-Rental Area, consisting of the Counties of Lancaster and York, in the State of Pennsylvania.

(62) The Reading Defense-Rental Area, consisting of the County of Berks, in the State of Pennsylvania.

(63) The Williamsport Defense-Rental Area, consisting of the County of Lycoming, in the State of Pennsylvania.

(64) The Providence Defense-Rental Area, consisting of the Counties of Bristol, Kent, and Providence, in the State of Rhode Island.

(65) The Washington County Defense-Rental Area, consisting of the County of Washington, in the State of Rhode Island.

(66) The Columbia, South Carolina Defense-Rental Area, consisting of the Counties of Calhoun, Lexington, and Richland, in the State of South Carolina.

(67) The Greenville, South Carolina Defense-Rental Area, consisting of the County of Greenville, in the State of South Carolina.

(68) The Spartanburg Defense-Rental Area, consisting of the Counties of Cherokee, Spartanburg, and Union, in the State of South Carolina.

(69) The Provo-Hot Springs, South Dakota Defense-Rental Area, consisting of the County of Fall River, in the State of South Dakota.

(70) The Sioux Falls Defense-Rental Area, consisting of the Counties of Lincoln, Minnehaha, and Turner, in the State of South Dakota; the County of Lyon, in the State of Iowa; and the County of Rock, in the State of Minnesota.

(71) The Bristol-Kingsport Defense-Rental Area, consisting of the Counties of Greene, Hawkins, Sullivan, Unicoi, and Washington, in the State of Tennessee; and the Independent City of Bristol and the Counties of Scott and Washington, in the State of Virginia.

(72) The Knoxville Defense-Rental Area, consisting of the Counties of Blount and Knox, in the State of Tennessee.

(73) The Bastrop, Texas Defense-Rental Area, consisting of the County of Bastrop, in the State of Texas.

(74) The Dallas Defense-Rental Area, consisting of the County of Dallas, in the State of Texas.

(75) The Fort Worth Defense-Rental Area, consisting of the County of Tarrant, in the State of Texas.

(76) The Houston-Galveston Defense-Rental Area, consisting of the Counties of Brazoria, Chambers, Galveston, Harris and Liberty, in the State of Texas.

(77) The Killeen-Temple Defense-Rental Area, consisting of the Counties of Bell and Coryell, in the State of Texas.

(78) The Lower Rio Grande Valley Defense-Rental Area, consisting of the Counties of Cameron, Hidalgo, and Willacy, in the State of Texas.

(79) The Marfa Defense-Rental Area, consisting of the County of Presidio, in the State of Texas.

(80) The Paris, Texas Defense-Rental Area, consisting of the County of Lamar, in the State of Texas; and the County of Choctaw, in the State of Oklahoma.

(81) The Pecos Defense-Rental Area, consisting of the Counties of Reeves and Ward, in the State of Texas.

(82) The San Angelo Defense-Rental Area, consisting of the County of Tom Green, in the State of Texas.

(83) The Sherman-Denison Defense-Rental Area, consisting of the County of Grayson, in the State of Texas.

(84) The Wichita Falls Defense-Rental Area, consisting of the County of Wichita, in the State of Texas.

(85) The Tooele-Wendover Defense-Rental Area, consisting of the County of Tooele, in the State of Utah.

(86) The Blackstone Defense-Rental Area, consisting of the County of Nottoway, in the State of Virginia.

(87) The Yorktown Defense-Rental Area, consisting of the Independent City of Williamsburg; the Counties of James City and York; and in the County of Warwick the Magisterial Districts of Denbigh and Stanley, in the State of Virginia.

(88) The Bellingham Defense-Rental Area, consisting of the County of Whatcom, in the State of Washington.

(89) The Pasco Defense-Rental Area, consisting of the County of Franklin, in the State of Washington.

(90) The Port Angeles-Port Townsend Defense-Rental Area, consisting of the Counties of Clallam and Jefferson, in the State of Washington.

(91) The Huntington Defense-Rental Area, consisting of the Counties of Cabell and Wayne, in the State of West Virginia; the County of Lawrence, in the State of Ohio; and the Counties of Boyd and Greenup, in the State of Kentucky.

(92) The Wheeling-Steubenville Defense-Rental Area, consisting of the Counties of Brooke, Hancock, Marshall, Ohio, and Wetzel, in the State of West Virginia; and the Counties of Belmont, Columbiana, and Jefferson, in the State of Ohio.

(93) The Beloit-Janesville Defense-Rental Area, consisting of the County of Rock, in the State of Wisconsin.

(94) The Eau Claire Defense-Rental Area, consisting of the Counties of Chippewa, Dunn, and Eau Claire, in the State of Wisconsin.

(95) The Sparta Defense-Rental Area, consisting of the County of Monroe, in the State of Wisconsin.

(96) The Alaska Defense-Rental Area, consisting of the Territory of Alaska.

(b) This Maximum Rent Regulation does not apply to the following:

(1) Rooms situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon;

(2) Rooms occupied by domestic servants, caretakers, managers, or other employees to whom the rooms are provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the rooms are a part;

(3) Rooms in hospitals, or rooms of charitable or educational institutions used in carrying out their charitable or educational purposes;

(4) Entire structures or premises used as hotels or rooming houses, as distinguished from the rooms within such hotels or rooming houses.

(c) The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this Maximum Rent Regulation.

(d) An agreement by the tenant to waive the benefit of any provision of this Maximum Rent Regulation is void. A tenant shall not be entitled by reason of this Maximum Rent Regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of this Maximum Rent Regulation.

(e) Where a building or establishment which does not come within the definitions of a hotel or rooming house contains one or more furnished rooms or other furnished housing accommodations rented on a daily, weekly or monthly basis, the landlord may, with the consent of the Administrator, elect to bring all housing accommodations within such building or establishment under the control of this Maximum Rent Regulation. A landlord who so elects shall file a registration statement under this Maximum Rent Regulation for all such housing accommodations, accompanied by a written request to the Administrator to consent to such election.

If the Administrator finds that the provisions of this Maximum Rent Regulation establishing maximum rents are better adapted to the rental practices for such building or establishment than the provisions of this Maximum Rent Regulation for Housing Accommodations other than Hotels and Rooming Houses, he shall consent to the landlord's election. Upon such consent, all housing accommodations within such building or establishment which are or hereafter may be rented or offered for rent shall become subject to the provisions of this Maximum Rent Regulation, and shall be considered rooms within a rooming house for the purposes of the provisions relating to eviction.

The landlord may at any time, with the consent of the Administrator, revoke his election, and thereby bring under the control of the Maximum Rent Regulation for Housing Accommodations other than Hotels and Rooming Houses all housing accommodations previously

brought under the Maximum Rent Regulation by such election. He shall make such revocation by filing a registration statement or statements under the Maximum Rent Regulation for Housing Accommodations other than Hotels and Rooming Houses, including in such registration statement or statements all housing accommodations brought under this Maximum Rent Regulation by such election. Such registration statement or statements shall be accompanied by a written request to the Administrator to consent to such revocation. The Administrator may defer action on such request if he has taken or is about to take action to decrease the maximum rents of any housing accommodations within such building or establishment. If the Administrator finds that the revocation so requested will not result in substantial increases in the maximum rents of housing accommodations affected by such revocation, he shall give such consent. Upon such consent, all housing accommodations affected by such revocation shall become subject to the provisions of the Maximum Rent Regulation for Housing Accommodations other than Hotels and Rooming Houses.

**§ 1388.332 Prohibition.** (a) Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for use or occupancy on and after the effective date of this Maximum Rent Regulation No. 54A of any room in a hotel or rooming house within the Defense-Rental Area higher than the maximum rents provided by this Maximum Rent Regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this Maximum Rent Regulation may be demanded or received.

(b) No tenant shall be required to change his term of occupancy if that will result in the payment of a higher amount per day than the maximum rent established for his present term of occupancy. Where, on June 15, 1942, or between that date and the effective date of this Maximum Rent Regulation, a room was regularly rented or offered for rent for a weekly or monthly term of occupancy, the landlord shall continue to offer the room for rent for that term of occupancy, unless he offers another term of occupancy for a rent which results in the payment of an amount no higher per day.

**§ 1388.333 Minimum services.** The maximum rents provided by this Maximum Rent Regulation No. 54A are for rooms including, as a minimum, services of the same type, quantity, and quality as those provided on the date or during the thirty-day period determining the maximum rent. If, on the effective date of this Maximum Rent Regulation, the services provided for rooms are less than such minimum services, the landlord shall either restore and maintain the minimum services, or within 30 days after such effective date, file a petition

pursuant to § 1388.335 (b) for approval of the decreased services. In all other cases, except as provided in § 1388.335 (b), the landlord shall provide the minimum services unless and until an order is entered pursuant to that section approving a decrease of such services.

**§ 1388.334 Maximum rents.** This section establishes separate maximum rents for different terms of occupancy (daily, weekly or monthly) and numbers of occupants of a particular room. Maximum rents for rooms in a hotel or rooming house (unless and until changed by the Administrator as provided in § 1388.335) shall be:

(a) For a room rented or regularly offered for rent during the thirty days ending on March 1, 1942, the highest rent for each term or number of occupants for which the room was rented during that thirty-day period, or, if the room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

(b) For a room neither rented nor regularly offered for rent during the thirty days ending on March 1, 1942, the highest rent for each term or number of occupants for which the room was rented during the thirty days commencing when it was first offered for rent after March 1, 1942; or, if the room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

(c) For a room rented for a particular term or number of occupants for which no maximum rent is established under paragraphs (a) or (b) of this section the first rent for the room after March 1, 1942, for that term and number of occupants, but not more than the maximum rent for similar rooms for the same term and number of occupants in the same hotel or rooming house.

(d) For a room constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the Defense-Rental Area for comparable rooms on March 1, 1942, as determined by the owner of such rooms: *Provided, however,* That any corporation formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in § 1388.335 (c) (1).

(e) For a room with which meals were provided during the thirty-day period determining the maximum rent without separate charge therefor, the rent apportioned by the landlord from the total charge for the room and meals. The landlord's apportionment shall be fair and reasonable and shall be reported in

the registration statement for such room. The Administrator at any time on his own initiative or on application of the tenant may by order decrease the maximum rent established by such apportionment if he finds that the apportionment was unfair or unreasonable.

Every landlord who provides meals with accommodations shall make separate charges for the two. No landlord shall require the taking of meals as a condition of renting any room unless the room was rented or offered for rent on that basis on June 15, 1942.

(f) For a room rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department, the rents established on the effective date of this Maximum Rent Regulation by such rent schedule, The Administrator may order an increase in such rents, if he finds that such increase is not inconsistent with the purposes of the Act or this Maximum Rent Regulation No. 54A.

§ 1388.335 *Adjustments and other determinations.* In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required. Except in cases under paragraphs (a) (7) and (c) (4) of this section, every adjustment of a maximum rent shall be on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable rooms on March 1, 1942: *Provided, however,* That no maximum rent shall be increased because of a major capital improvement or an increase in services, furniture, furnishings or equipment, by more than the amount which the Administrator finds would have been on March 1, 1942, the difference in the rental value of the accommodations by reason of such improvement or increase. In cases involving construction due consideration shall be given to increased costs of construction, if any, since March 1, 1942. In cases under paragraphs (a) (7) and (c), (4) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable rooms during the year ending on March 1, 1942.

(a) Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the grounds that:

(1) There has been, since the thirty-day period or the order determining the maximum rent for the room, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) There was, on or prior to March 1, 1942, and within the six months ending on that date, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, and the rent during the thirty-day period ending

on March 1, 1942, was fixed by a lease which was in force at the time of such change.

(3) There has been a substantial increase in the services, furniture, furnishings or equipment provided with the room since the thirty-day period or the order determining its maximum rent.

(4) The rent during the thirty-day period determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant, or by an allowance or discount to a tenant of a class of persons to whom the landlord regularly offered such an allowance or discount, and as a result was substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable rooms on March 1, 1942.

(5) There was in force on March 1, 1942 a written lease, which had been in force more than one year on that date, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable rooms on March 1, 1942.

(6) The rent during the thirty-day period determining the maximum rent was established by a lease or other rental agreement which provided for a substantially higher rent at other periods during the term of such lease or agreement.

(7) The rent during the thirty-day period determining the maximum rent for the room was substantially lower than at other times of year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(b) If on the effective date of this Maximum Rent Regulation No. 54A, the services provided for a room are less than those provided on the date or during the thirty-day period determining the maximum rent, the landlord shall either restore the services to those provided on the date or during the thirty-day period determining the maximum rent and maintain such services or, within 30 days after such effective date, file a petition requesting approval of the decreased services. Except as above provided, the landlord shall maintain the minimum services unless and until he has filed a petition to decrease services and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, he shall file a petition within five days after the change of services occurs. The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent.

(c) The Administrator at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) The maximum rent for the room is higher than the rent generally prevailing in the Defense-Rental Area for comparable rooms on March 1, 1942.

(2) There has been a substantial deterioration of the room other than or-

dinary wear and tear since the date or order determining its maximum rent.

(3) There has been a substantial decrease in the services, furniture, furnishings or equipment provided with the room since the date or order determining its maximum rent.

(4) The rent on the date determining the maximum rent for the room was substantially higher than at other times of year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(d) If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed within 30 days after the effective date of this Maximum Rent Regulation, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the rent which he finds was generally prevailing in the Defense-Rental Area for comparable rooms on March 1, 1942.

§ 1388.336 *Restrictions on removal of tenant.* (a) So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant of a room within a hotel or rooming house shall be removed from such room, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated unless:

(1) The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement except insofar as such terms and conditions are inconsistent with this Maximum Rent Regulation No. 54A; or

(2) The tenant has unreasonably refused the landlord access to the room for the purpose of inspection or of showing the room to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the room is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the room for an immoral or illegal purpose; or

(4) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the room or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(5) The landlord seeks in good faith not to offer the room for rent. If a tenant has been removed or evicted from a room under this paragraph (a) (5), the landlord shall file a written report on a form provided therefor before renting the room during a period of six months after such removal or eviction.

(b) No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this Maximum Rent Regulation and would not be likely to result in the circumvention or evasion thereof.

(c) At the time of commencing any action to remove or evict a tenant (except an action based on non-payment of a rent not in excess of the maximum rent) the landlord shall give written notice thereof to the Area Rent Office stating the title and number of the case, the court in which it is filed, the name and address of the tenant and the grounds on which eviction is sought.

(d) The provisions of this section do not apply to:

(1) A subtenant or other person who occupied under a rental agreement with the tenant where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant; or

(2) A tenant occupying a room within a hotel on a daily or weekly basis; or a tenant occupying on a daily basis a room within a rooming house which has heretofore usually been rented on a daily basis.

(3) Rooms rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

**§ 1388.337 Registration and records.**  
(a) Within 45 days after the effective date of this Maximum Rent Regulation No. 54A every landlord of a room rented or offered for rent shall file a written statement on the form provided therefor, containing such information as the Administrator shall require, to be known as a registration statement. Any maxi-

mum rent established after the effective date of this Maximum Rent Regulation under paragraphs (b) or (c) of § 1388.334 shall be reported either on the first registration statement or on a statement filed within 5 days after such rent is established.

(b) Every landlord shall conspicuously display in each room rented or offered for rent a card or sign plainly stating the maximum rent or rents for all terms of occupancy and for all numbers of occupants for which the room is rented or offered for rent. Where the taking of meals by the tenant or prospective tenant is a condition of renting such room, the card or sign shall so state. Should the maximum rent or rents for the room be changed by order of the Administrator the landlord shall alter the card or sign so that it states the changed rent or rents.

The foregoing provisions of this paragraph shall not apply to rooms under § 1388.334 (d). The owner of such rooms shall post a copy of the registration statement in a place where it will be available for inspection by the tenants of such rooms.

(c) No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

(d) The provisions of this section shall not apply to rooms rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

(e) Every landlord of a room rented or offered for rent shall preserve, and make available for examination by the Administrator, all his existing records showing or relating to (1) the rent for each term and number of occupants for which such room was rented or regularly offered for rent during the thirty-day period determining the maximum rent for such room and (2) the rent on any date determining a maximum rent for such room for a particular term and number of occupants under section 4 (c).

Every landlord of an establishment containing more than 20 rooms rented or offered for rent shall keep, preserve, and make available for examination by the Administrator, records showing the rents received for each room, the particular term and number of occupants for which such rents were charged, and the name and permanent address of each occupant; every other landlord shall keep, preserve, and make available for examination by the Administrator, records of the same kind as he has customarily kept relating to the rents received for rooms.

(f) The provisions of this section shall not apply to the housing accommodations in the Cincinnati Defense-Rental Area.

**§ 1388.338 Inspection.** Any person who rents or offers for rent or acts as a broker or agent for the rental of a room and any tenant shall permit such inspection of the room by the Administrator as he may from time to time require.

**§ 1388.339 Evasion.** The maximum rents and other requirements provided in this Maximum Rent Regulation No. 54A shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of a room, by requiring the tenant to pay or obligate himself for membership or other fees, or by modification of the practices relating to payment of commissions or other charges, or by modification of the services furnished with the room, or otherwise.

**§ 1388.340 Enforcement.** Persons violating any provision of this Maximum Rent Regulation No. 54A are subject to criminal penalties, civil enforcement actions and suits for treble damages as provided for by the Act.

**§ 1388.341 Procedure.** All registration statements, reports and notices provided for by this Maximum Rent Regulation No. 54A shall be filed with the Area Rent Office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

**§ 1388.342 Petitions for amendment.** Persons seeking any amendment of general applicability to any provision of this Maximum Rent Regulation No. 54A may file petitions therefor in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

**§ 1388.343 Definitions.** (a) When used in this Maximum Rent Regulation No. 54A:

(1) The term "Act" means the Emergency Price Control Act of 1942.

(2) The term "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) The term "Rent Director" means the person designated by the Administrator as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) The "Area Rent Office" means the office of the Rent Director in the Defense-Rental Area.

(5) The term "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(6) The term "housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes (including houses, apartments, hotels, rooming or boarding house accommodations, and other properties used for living or dwelling purposes), together with all privileges, services, furnishings, furniture,

equipment, facilities and improvements connected with the use or occupancy of such property.

(7) The term "room" means a room or group of rooms rented or offered for rent as a unit in a hotel or rooming house. The term includes ground rented as space for a trailer.

(8) The term "services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of a room.

(9) The term "landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any room, or an agent of any of the foregoing.

(10) The term "tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any room.

(11) The term "rent" means the consideration, including any bonus, benefit, or gratuity demanded or received for the use or occupancy of a room or for the transfer of a lease of such room.

(12) The term "term of occupancy" means occupancy on a daily, weekly, or monthly basis.

(13) The term "hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(14) The term "rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short time basis of daily, weekly, or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this Maximum Rent Regulation.

§ 1388.344 *Effective date of the regulation.* This Maximum Rent Regulation No. 54A (§§ 1388.331 to 1388.344, inclusive) shall become effective November 1, 1942.

Issued this 22d day of October 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-10704; Filed, October 22, 1942;  
5:12 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Ration Order 10, Amendment 3]

VIRGIN ISLANDS

Amendment No. 3 to Ration Order No. 10—Food Rationing Regulations for the Virgin Islands.

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

A new § 1407.670 is added and paragraph (b) of § 1407.821 is amended as set forth below:

§ 1407.670 *Restrictions on transfers and use of rationed commodities—(a) Discrimination by dealers and distributors.* On and after October 13, 1942, no dealer or distributor shall discriminate in the transfer of any commodity subject to Ration Order No. 10 among any consumers lawfully entitled to acquire such commodity under the provisions of the Order, either by selling only to favored consumers or classes of consumers, or by selling only to regular customers, and refusing to sell to others who are entitled to acquire a commodity under the provisions of a Ration Order No. 10, or by any other means of discrimination. Nothing in this Section, however, shall be construed to prohibit a dealer or distributor from adopting restrictions which apply to all consumers alike or from holding reserve stocks for delivery to persons presenting Acknowledgment of Delivery or Allotment Authorization duly executed by an authorized officer of the armed forces of the United States.

Enforcement

§ 1407.821 *Penalties.* \* \* \*

(b) In addition to the foregoing penalties, the Office of Price Administration may prohibit the sale, transfer, exchange, or other disposition of products, directly or indirectly to any retailer, wholesaler or other supplier of any retailer, or to consumers by any retailer, who acts in violation of Ration Order No. 10.

§ 1407.842 *Effective dates of amendments.* \* \* \*

(c) Amendment No. 3 (§§ 1407.670 and 1407.821 (b)) to Ration Order No. 10 shall be effective as of October 13, 1942. (Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507, and 421, 77th Cong., W.P.B. Dir. No. 1, Supp. Dir. No. 1-J, O.P.A. Administrative Order No. 19; 7 F.R. 562, 5043, 5148.)

Issued this 22d day of October 1942.

JACOB A. ROBLES,  
Director for the Virgin Islands.

[F. R. Doc. 42-10703; Filed, October 22, 1942;  
5:11 p. m.]

17 F.R. 6887.

PART 1499—COMMODITIES AND SERVICES

[Order 69 Under § 1499.18 (b) of GMPR]

MICHIGAN PICKLE CO.

Order No. 65 under § 1499.18 (b) of the General Maximum Price Regulation—Docket Number GF3-2109.

For the reasons set forth in the opinion issued simultaneously herewith, *It is ordered:*

§ 1499.865 *Adjustment of maximum prices for salted and fermented cucumbers sold by Michigan Pickle Company, Lakeview, Michigan.* (a) Michigan Pickle Company of Lakeview, Michigan, fermenters and salters of cucumbers, may sell and deliver and any person may buy and receive from Michigan Pickle Company salted and fermented cucumbers at prices no higher than \$2.25 per bushel for large and nubbin pickles and \$3.25 per bushel for vat-run small pickles.

(b) Michigan Pickle Company either before or at the time of its first sale to each purchaser of salted and fermented cucumbers, after the effective date of this order, shall mail or cause to be mailed to such purchaser written notice of the maximum selling prices established in paragraph (a) above of this order.

(c) All prayers of the application not granted herein are denied.

(d) This Order No. 65 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 65 (§ 1499.865) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 65 (§ 1499.865) shall become effective October 23, 1942. (Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 22d day of October 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-10695; Filed, October 22, 1942;  
3:26 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 69 Under § 1499.18 (b) of GMPR]

DIAMOND MATCH CO.

Order No. 69 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF1-301-P.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.869 *Adjustment of maximum prices for honey processed by the Diamond Match Company.* (a) The Dia-

mond Match Company of 30 Church Street, New York, N. Y. may sell and deliver, and any person may buy and receive from the Diamond Match Company honey at prices not higher than those set forth below:

	Price per case delivered in California and Reno, Nev.	Price per case delivered in Oregon	Price per case delivered in eastern Washington	Price per case delivered in western Washington
Diamond Brand, 1 lb. jars (net) (24 to the case).....	\$4.58	\$4.63	\$4.88	\$4.63
Diamond Brand, 5 lb. cans (net) (12 to the case).....	9.075	9.075	9.575	9.325
Mellow Gold, 5 lb. cans (net), (12 to the case).....	8.075	8.075	8.575	8.325

(b) The Diamond Match Company shall not change its customary allowances, discounts or other price differentials unless such change shall result in a lower price.

(c) The Diamond Match Company, before or while making each initial sale at these new maximum prices, shall notify its purchasers in writing of its new maximum prices as follows:

The Office of Price Administration has permitted us to raise our maximum price for sales to you of (insert name of brand, size of container and number of containers to the case) from (insert March ceiling price for such brand, size of container and number of containers to the case delivered to the particular area) to (insert applicable price specified in paragraph (a) for such brand, size of container and number of containers to the case delivered to such area). This amount represents only that part of cost increases which we were unable to absorb and it was granted with the understanding that wholesale and retail prices would not be raised. The Office of Price Administration has not permitted you or any other seller to raise maximum prices for sales of (insert name of brand, size of container and number of containers to the case).

(d) All prayers of the application not granted herein are denied.

(e) This Order No. 69 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 69 (§ 1499.869) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 69 (§ 1499.869) shall become effective October 22, 1942. (Pub. Laws 421, and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of October 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-10702; Filed, October 22, 1942; 5:13 p. m.]

**PART 1499—COMMODITIES AND SERVICES**  
[Order 99 Under § 1499.18 (c) of GMPR]

LAWRENCE MOTOR LINES, INC.

Order No. 99 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF 3-773.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.949 *Adjustment of maximum prices for contract carrier services sold by Lawrence Motor Lines, Inc.* (a) Lawrence Motor Lines, Inc., Haverhill, Massachusetts, may sell and deliver and the Robert Gair Company, Inc., 155 East Forty-fourth Street, New York, New York, may buy and receive from Lawrence Motor Lines, Inc. contract carrier services at prices not more than 10 per cent higher than the prices which prevailed for similar services received from said Lawrence Motor Lines, Inc. during the month of March, 1942.

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 99 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 99 (§ 1499.949) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 99 (§ 1499.949) shall become effective October 22, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of October 1942.  
LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-10705; Filed, October 22, 1942; 5:14 p. m.]

**PART 1499—COMMODITIES AND SERVICES**  
[Order 108 Under § 1499.3 (b) of GMPR]

**SELLERS OF HIGH WINES**

Maximum prices authorized under § 1499.3 (b) of the General Maximum Price Regulation—Order No. 108.

For reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.972 *Authorization to sellers of high wines.* (a) Specific authorization is hereby given to any producer of spirits distilled from grain at less than 188 proof ("high wines") to determine by the following formula a maximum price for such high wines sold by him to the United States Government or any agency thereof:

Maximum price per proof gallon f. o. b. works shall be the sum of the following cost items per proof gallon, less the recovered values of dried feed, fusel oil or the like, plus two cents per proof gallon:

- (1) Raw materials.
- (2) Direct labor.
- (3) Conversion costs.
- (4) Plant overhead.

(5) General and administrative expense, not in excess of 1.5 cents per proof gallon.

(b) Maximum prices computed pursuant to the formula contained in paragraph (a) shall be determined for each calendar quarterly three month period. For the period after seller has started production of high wines, and until the end of the first full calendar quarterly three month period thereafter, such maximum prices may be computed on the

basis of estimated cost items. The prices for each succeeding calendar quarterly three month period, however, shall be computed on the basis of the actual cost items for the preceding period.

(c) Reports of all prices computed pursuant to the formula contained in paragraph (a) shall be submitted to the Office of Price Administration, Washington, D. C., on the form contained in Appendix A (paragraph (d)). The report for the first period after seller has started production of high wines for which maximum prices are computed pursuant to such formula shall be submitted within twenty days after the first sale of such high wines by such producer, and shall show the prices he proposes to charge and the estimated cost items upon which such prices are based. In the event that such producer has started production of high wines prior to October 1, 1942, such first report shall be submitted on or before November 15, 1942, and shall be based so far as possible upon actual cost items. Within twenty days after the end of the first period for which a report has been submitted, and within twenty days after the end of each succeeding period, there shall be submitted a report on the form contained in Appendix A (paragraph (d)).

(d) Form GMPR: 7; Appendix A: Form of Report:

UNITED STATES OF AMERICA

OFFICE OF PRICE ADMINISTRATION

Report of maximum prices for sales of high wines in accordance with Order No. 108 (§ 1499.972, paragraph (a)) under § 1499.3 (b) of the General Maximum Price Regulation.

1. Name of producer	Use
2. Address	proof gallon basis (four decimal)
3. Location of plant	Distillery No.
4. Destination of the high wines	Name of buyer
5. Figures submitted for	(period)
6. Raw materials—(Schedule I)	\$
7. Direct labor—(Schedule II)	\$
8. Other conversion costs—(Schedule III)	\$
9. Plant overhead—(Schedule IV)	\$
10. General and administrative expense (not in excess of 1.5 cents per proof gallon)—(Schedule V)	\$
11. Total (lines 6, 7, 8, 9 and 10)	\$
12. Recovered values—(Schedule VI)	\$
13. Net cost per proof gallon (line 11 less line 12)	\$
14. Profit (not in excess of 2 cents per proof gallon)—(Schedule VI)	\$
15. Maximum price (line 13 plus line 14) for next quarterly three month period	\$
16. Yield per 56 lb. bushel of mixed grain in proof gallons	
17. Total production per period in wine gallons	
18. Total production per period in proof gallons	
19. Production capacity based on 24 hour day, and 7 day week for same period, in wine gallons	
20. Percentage of capacity operated (17 divided by 19)	

## SCHEDULE I—RAW MATERIAL USED

(Use 56 lb. Bushel Basis)

	Cost per 56 lb. bushel	56 lb. bushels used	% of grain used	Pounds used	Total cost	Cost per proof gal- lon (four decimals)
Rye.....	\$.....	.....	.....	.....	\$.....	.....
Wheat.....	\$.....	.....	.....	.....	\$.....	.....
Corn.....	\$.....	.....	.....	.....	\$.....	.....
Malt.....	\$.....	.....	.....	.....	\$.....	.....
Others (detail).....			100%			
Total (enter on line 6).....						\$.....

## SCHEDULE II—DIRECT LABOR COSTS

	Total	Per proof gallon
Operating labor.....	\$.....	\$.....
Repair and maintenance.....	.....	.....
Overtime repair and maintenance labor.....	.....	.....
Payroll taxes (Social Security).....	.....	.....
Total (enter on line 7).....	.....	.....

## SCHEDULE III—CONVERSION COSTS

	Total	Per proof gallon
Fuel (specify type).....	\$.....	\$.....
Electric power.....	.....	.....
Water.....	.....	.....
Supervision (plant manager or superintendent).....	.....	.....
Others (specify and itemize).....	.....	.....
Total (enter on line 8).....	.....	.....

## SCHEDULE IV—PLANT OVERHEAD

	Total	Per proof gallon
Depreciation on buildings (specify annual rate).....	\$.....	\$.....
Depreciation on machinery and equipment (specify annual rate).....	.....	.....
Taxes (itemize—do not include income tax).....	.....	.....
Licenses (itemize).....	.....	.....
Fire insurance.....	.....	.....
Employer's liability insurance.....	.....	.....
Other insurance (specify).....	.....	.....
Other plant overhead (itemize).....	.....	.....
Total (enter on line 9).....	.....	.....

NOTE 1: Indicate the basis of allocation of the above to high wines.

NOTE 2: Briefly describe any special services rendered the plant, the cost of which is included in Schedule IV.

## SCHEDULE V—GENERAL AND ADMINISTRATIVE EXPENSE OTHER THAN THE PLANT

	Total	Per proof gallon
Executive salaries.....	\$.....	\$.....
Office salaries.....	.....	.....
Interest paid.....	.....	.....
Other (itemize).....	.....	.....
Total (enter on line 10).....	.....	.....

NOTE 1: Indicate the basis of allocation of the above to high wines.

NOTE 2: Briefly describe any special services rendered the plant, the cost of which is included in Schedule V.

## SCHEDULE VI—RECOVERED VALUES

	Total	Per proof gallon
Fusel Oil.....	.....	.....
Value of dried grains sold.....	.....	.....
Less cost of recovery, etc.....	.....	.....
Net value of dried grain recovery.....	.....	.....
Other (specify).....	.....	.....
Total (enter on line 12).....	.....	.....

## SCHEDULE VII—PROFITS

Profits shall be entered at 2¢ per proof gallon.

## SCHEDULE VIII—SALARIES

A. List ten highest salaries above \$3,600 per annum for the company as a whole for each calendar year, commencing with 1941.

B. List the same information for the plant.

## SCHEDULE IX—PRICES

Per proof  
gallonIndicate price charged during preceding period..... \$.....  
Section 35 (A) of the United States Criminal Code 18 U.S.C.A. 80, makes it a criminal offense to make a false statement or representa-

tion to any department or agency of the United States as to any matter within its jurisdiction.

The undersigned certifies that the information contained in this report is complete and correct to the best of his knowledge and belief.

Name of company  
By \_\_\_\_\_  
Signature of authorized official  
Title \_\_\_\_\_

Date \_\_\_\_\_

(e) This Order No. 108 may be revoked or amended by the Office of Price Administration at any time and the Office of

Price Administration may at any time adjust any price established hereunder.

(f) This Order No. 108 (\$ 1499.972) shall become effective October 22, 1942.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of October, 1942.

LEON HENDERSON,  
Administrator.[F. R. Doc. 42-10706; Filed, October 22, 1942;  
5:13 p. m.]

## PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[MPR 148]

## DRESSED HOGS AND WHOLESALE PORK CUTS

The title and preamble are amended, and §§ 1364.21 to 1364.35, inclusive, are amended to read as set forth below: Revised Maximum Price Regulation No. 148—Dressed Hogs and Wholesale Pork Cuts.

In the judgment of the Price Administrator, it is necessary and proper, in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended and Executive Order No. 9250 issued by the President on October 3, 1942, to maintain as the maximum prices for dressed hogs and wholesale pork cuts the prices prevailing with respect thereto during the period March 3, 1942 to March 7, 1942, inclusive. Prices determined as provided in § 1364.22 reflect the prices prevailing during such period. The Price Administrator has ascertained and given due consideration to the prices of dressed hogs and wholesale pork cuts prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of said Act and Executive Order. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

The maximum prices established herein are not below prices which will reflect to producers of the agricultural commodities from which dressed hogs and wholesale pork cuts are produced a price for their products equal to the highest of the prices required by the provisions of the Emergency Price Control Act of 1942, as amended, and by the Executive Order of October 3, 1942.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250

\*Copies may be obtained from the Office of Price Administration.

and in accordance with Procedural Regulation No. 1<sup>1</sup>, issued by the Office of Price Administration, Revised Maximum Price Regulation No. 148 is hereby issued.

**AUTHORITY:** §§ 1364.21 to 1364.35, inclusive, issued under Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871.

**§ 1364.21 Prohibition against selling dressed hogs and wholesale pork cuts at prices above the maximum.** On and after November 2, 1942, regardless of any contract, agreement, or other obligation, no person shall sell or deliver dressed hogs or any wholesale pork cut, and no person in the course of trade or business shall buy or receive dressed hogs or any wholesale pork cut at a price higher than the maximum price permitted by § 1364.22; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of dressed hogs or wholesale pork cuts to a purchaser, if, prior to November 2, 1942, such dressed hogs or wholesale pork cuts have been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

**§ 1364.22 Maximum prices for dressed hogs and wholesale pork cuts.** Maximum prices for dressed hogs and wholesale pork cuts shall be computed as provided in this section.

(a) **Base price.** The base price for each wholesale pork cut shall be the price specified in Schedule I of Appendix A (incorporated herein as § 1364.35), minus the required deductions, if any, specified in Schedule II of Appendix A (§ 1364.35), plus the permitted additions, if any, specified in Schedule III of Appendix A (§ 1364.35).

(b) **Maximum prices in central price zone.** Except as provided in paragraph (h) of this section, the maximum price for each wholesale pork cut delivered to the buyer within the Central Price Zone, or delivered outside the Central Price Zone by a local delivery beginning in the Central Price Zone, shall be the base price.

(c) **Maximum prices in Chicago price zone.** Except as provided in paragraphs (b) and (h) of this section, the maximum price for each wholesale pork cut delivered to the buyer in the Chicago Price Zone, or delivered to the buyer outside the Chicago Price Zone and the Central Price Zone by a local delivery beginning in the Chicago Price Zone, shall be the base price plus \$0.25 per cwt.

(d) **Maximum prices outside central price zone and Chicago price zone.** Except as provided in paragraphs (b), (c) and (h) of this section, the maximum price for each wholesale pork cut delivered to the buyer outside the Central Price Zone and the Chicago Price Zone shall be the base price plus a transportation differential determined as follows:

(1) The seller shall ascertain the point at which local delivery begins, if local delivery is made, or the point of delivery if no local delivery is made. If no carload meat freight rates are established

to such point, he shall ascertain the nearest point at which such freight rates are established.

(2) If the point ascertained under paragraph (d) (1) of this section is east of the Mississippi River or in New Orleans, Louisiana, but is not in Minnesota, Wisconsin, or in that part of Michigan lying between Lake Superior and Lake Michigan or Lake Huron, the transportation differential for any fresh wholesale pork cut shall be 115 percent of the lowest fresh meat carload freight rate from Chicago, Illinois, to such point adjusted to the nearest \$0.25 per cwt. and plus \$0.25 per cwt., and the transportation differential for any cured or processed wholesale pork cut shall be 115 percent of the lowest packing house product carload freight rate (applicable to cooked, cured or preserved meats and sausage) from Chicago, Illinois, to such point, adjusted to the nearest \$0.25 per cwt. and plus \$0.25 per cwt. (Caution: This transportation differential is to be added to the base price, not to the maximum price in the Chicago price zone.)

(3) If the point ascertained under paragraph (d) (1) of this section is in Missouri, Arkansas, Louisiana or in those portions of Texas, Oklahoma, or Kansas which lie east of the 99th meridian, but not in New Orleans, Louisiana, the transportation differential for any fresh wholesale pork cut shall be 115 percent of the lowest fresh meat carload freight rate from Kansas City, Missouri, to such point, adjusted to the nearest \$0.25 per cwt., and the transportation differential for any cured or processed wholesale pork cut shall be 115 percent of the lowest packing house product carload freight rate (applicable to cooked, cured or preserved meats and sausage) from Kansas City, Missouri, to such point, adjusted to the nearest \$0.25 per cwt.

(4) If the point ascertained under paragraph (d) (1) of this section lies in any other part of the United States than those areas referred to in paragraphs (d) (2) and (d) (3) of this section, the seller shall ascertain the lowest of the packing house product carload freight rates (applicable to cooked, cured or preserved meats and sausage) to such point from Kansas City, Missouri, and South St. Paul, Minnesota. The transportation differential for fresh, cured or processed wholesale pork cuts shall be 115 percent of such lowest rate, adjusted to the nearest \$0.25 per cwt.

(e) **When products are delivered to the buyer.** Dressed hogs and wholesale pork cuts shall be deemed to be delivered to the buyer at the point where physical possession is taken by the buyer or his agent or where the dressed hogs or wholesale pork cuts, consigned to the buyer, are received by a common carrier whose charges are paid by the buyer.

(f) **Maximum prices of wholesale pork cuts not listed in Appendix A.** Except as provided in paragraph (h) of this section, if the maximum price for any wholesale pork cut delivered to the buyer cannot be determined under the provisions of the foregoing paragraphs of this section, such maximum price shall be

that of the nearest similar wholesale pork cut derived from the same primal cut or combination of primal cuts, making adjustment for the differences in the cost of producing such cuts. Each seller shall file with the Office of Price Administration, within 10 days of computation, each maximum price computed under the provisions of this paragraph (f) together with a sworn statement of the method of such computation and the comparative costs included therein, including costs of labor, materials and overhead, and shrinkage or gain in weight. Any maximum price so computed shall be subject to revision by the Price Administrator.

(g) **Maximum prices of dressed hogs.** The maximum price for each dressed hog shall be determined as follows:

(1) Where the seller sold dressed hogs, during the 30 day period prior to March 9, 1942, upon the basis of a percentage of the live hog price (hereinafter called a "denominator"), the maximum price shall be the current live hog price multiplied by the average denominator used by the seller in sales during such period of dressed hogs of the same class upon the same specifications to a similar purchaser.

(2) Where the seller sold dressed hogs, during the 30 day period prior to March 9, 1942, but did not sell upon the denominator basis, the maximum price shall be the current live hog price multiplied by the average denominator (determined as hereinafter provided) in such seller's sales during such period of dressed hogs of the same class upon the same specifications to a similar purchaser. Such average denominator shall be determined by dividing the average price of all dressed hogs of the same class sold by the seller during such period upon the same specifications to a similar purchaser by the average price of the live hogs purchased for such dressing.

(3) Where the seller did not sell dressed hogs during the 30 day period prior to March 9, 1942, the maximum price shall be the current live hog price multiplied by the average denominator (for dressed hogs of the same class sold during such period upon the same specifications to a similar purchaser) of the most closely competitive seller.

(4) Where all dressed hogs which the seller sold during the 30 day period prior to March 9, 1942 were derived from hogs fed by the seller after purchase and before slaughter to such an extent as to increase their live weight by 4% or more, the maximum price shall be determined as provided in paragraph (g) (3) of this section. As to all dressed hogs derived from hogs so fed by the seller, the term "current live hog price" shall mean the top price quoted, on the day before the day of shipment of such dressed hogs, at the public market nearest to the place of slaughter for hogs of the same grade and weight, minus \$0.10 per cwt.

(h) **Maximum prices of products sold for export and canned products.** (1) The maximum price at which a person may export any dressed hog or wholesale pork cut shall be determined in

accordance with the provisions of the Revised Maximum Export Price Regulation<sup>1</sup> issued by the Office of Price Administration.

(2) The maximum price for each brand and type of canned meat made entirely from pork shall be the highest price at which such brand or type of canned meat was listed in the price list or lists upon the basis of which the seller made sales and deliveries at the delivery point during the period February 16, 1942 to February 20, 1942, inclusive, plus 1½¢ per pound: *Provided*, (i) That the seller must continue to allow all the deductions or discounts from his price list or lists which were customary during the ninety day period prior to March 9, 1942 and which were based on cost differentials arising from low transportation or packaging costs or any other saving in the cost of handling; and (ii) That the provisions of this paragraph (h) (2) shall not apply to any sales of canned meats to the Federal Surplus Commodities Corporation or to any purchasing agency of the armed forces of the United States.

§ 1364.23 *Conditional agreements.* No seller of dressed hogs or wholesale pork cuts shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by § 1364.22, in the event that this Revised Maximum Price Regulation No. 148 is amended or is determined by a court to be invalid or upon any other contingency: *Provided*, That if a petition for amendment has been duly filed, and such petition requires extensive consideration, the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment. Requests for such an exception may be included in the aforesaid petition for amendment.

§ 1364.24 *Exempt sales and deliveries.* The provisions of this Revised Maximum Price Regulation No. 148 shall not apply

(a) To sales at retail;

(b) To deliveries made to any political subdivision or agency of any state or of the United States, other than the Federal Surplus Commodities Corporation, under contracts entered into prior to November 2, 1942: *Provided*, That this exemption shall not be construed to permit the upward revision of any prices fixed in such contracts;

(c) To deliveries to the Federal Surplus Commodities Corporation under contracts entered into prior to October 17, 1942; or

(d) To sales outside of the forty-eight states of the United States and the District of Columbia.

§ 1364.25 *Less than maximum prices.* Lower prices than those provided for in § 1364.22 may be charged, demanded, paid or offered.

§ 1364.26 *Evasion.* The price limitations set forth in this Revised Maximum Price Regulation No. 148 shall not

be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of, or relating to, dressed hogs or wholesale pork cuts, alone or in conjunction with any other commodity, or by way of any commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding or by so curing wholesale pork cuts as to increase their cured weight beyond 110% of green weight, or by the sale of wholesale pork cuts not referred to in Appendix A (§ 1364.35) and not customarily sold by the same seller prior to March 23, 1942: *Provided*, That a payment by a buyer to a broker of not to exceed \$0.125 per cwt. in excess of the maximum prices fixed by this regulation for services rendered by the broker to the buyer in connection with a sale of wholesale pork cuts shall not be construed as an evasion of such price limitations if the broker has no business affiliation with the seller and if the total compensation received by the broker from both buyer and seller in connection with the sale does not exceed \$0.125 per cwt.

§ 1364.27 *Records and reports.* (a) Every person making a sale of any dressed hogs or wholesale pork cuts on and after November 2, 1942, in the course of trade or business or otherwise dealing therein, shall make, and preserve for so long as the Emergency Price Control Act of 1942 remains in effect, complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer and seller, the description, quantity and weight of all wholesale pork cuts sold, and the price charged or received therefor.

(b) Persons subject to or affected by this Revised Maximum Price Regulation No. 148 shall submit to the Office of Price Administration at Washington, D. C.:

(1) The reports of maximum prices required by § 1364.22 (f), together with a sworn statement that the facts recited therein are true and correct;

(2) On or before November 15, 1942, sworn statements of the denominators in sales by them of dressed hogs, determined in accordance with the provisions of § 1364.22 (g), including a statement of the specifications for dressing to which each denominator applies and a statement of the classes of purchasers to which each denominator applies; and

(3) Such other reports as the Office of Price Administration may from time to time require.

§ 1364.28 *Enforcement.* (a) Persons violating any provision of this Revised Maximum Price Regulation No. 148 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Revised Maximum Price Regulation No. 148 or any price schedule, regulation, or order issued by the Office of Price Administration or of

any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1364.29 *Petitions for amendment.* Any person seeking an amendment of any provision of this Revised Maximum Price Regulation No. 148 may file a petition for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1364.30 *Licensing: Applicability of Supplementary Order No. 14.* The provisions of Supplementary Order No. 14 (§ 1305.18), Licensing Sellers of Meat and Meat Products, are applicable to every seller subject to this Revised Maximum Price Regulation No. 148 now or hereafter selling any dressed hog or wholesale pork cuts for which maximum prices are established by said regulation. The term "seller" shall have the meaning given it by Supplementary Order No. 14.

§ 1364.31 *Applicability of General Maximum Price Regulation.* The provisions of this Revised Maximum Price Regulation No. 148 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this regulation.

§ 1364.32 *Definitions.* (a) When used in this Revised Maximum Price Regulation No. 148, the term:

(1) "Person" means any individual, corporation, partnership, association or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing: *Provided*, That no punishment provided by this regulation shall apply to the United States or to any such government, political subdivision, or agency.

(2) "Dressed hogs" includes dressed pigs.

(3) "Wholesale pork cuts" means all cuts derived from the carcass of the hog or pig, dressed with head off and kidney and leaf fat out, including but not limited to the following:

(i) All cuts referred to in Appendix A (§ 1364.35);

(ii) Cuts rough or trimmed, bone in or boneless, whole or sliced;

(iii) Cuts fresh or frozen, cured, smoked, cooked, baked, barbecued, dried, canned, or ready-to-eat;

(iv) Cuts loose, wrapped or packed.

Fresh and frozen cuts shall not be considered separate wholesale pork cuts. Each brand and type of canned meat made entirely from pork shall be considered a separate wholesale pork cut. Sausage made entirely from pork but not canned shall not be considered a wholesale pork cut.

(4) "Central Price Zone" means the area described as follows: the entire state of Iowa and those parts of Wisconsin

sin, Minnesota, South Dakota, Nebraska, Kansas, Missouri and Illinois which lie south of the 45th parallel, north of the 39th parallel, west of the 91st meridian and east of the 99th meridian, and including Minneapolis, Minnesota, and St. Paul, Minnesota.

(5) "Chicago Price Zone" means the area described as follows: those parts of Wisconsin and Illinois which lie south of the 45th parallel and east of the 91st meridian and including St. Louis, Missouri and St. Louis County, Missouri.

(6) "Sales at retail" means sales to the ultimate consumer: *Provided*, That no wholesaler, processor, packer, slaughterer, purchaser for resale, commercial user, or government agency, shall be deemed to be an ultimate consumer, except that a sale to a purveyor of meals, by a person regularly and generally engaged in selling at retail, made on usual retail terms, shall be regarded as a sale at retail.

(7) "Local delivery" means delivery otherwise than by rail, commencing at the seller's place of business, or, in the case of car routes, at the car route unloading point, and continuing to the buyer's store door, or other point of delivery, without interchange of vehicles.

(8) "Similar", when used in the phrase "similar purchaser", refers to the type of purchaser to whom the same price customarily applied during the ninety day period prior to March 9, 1942.

(9) "Carload" means:

(i) A shipment by rail of fresh, frozen or cured meat cuts or carcasses to a single delivery point, of at least the minimum weight upon which the railroad carload rate from the point of shipment to the delivery point, as evidenced by the tariffs of railroad carriers, is based: *Provided*, That where the transportation charge for shipment of the lesser weight at the railroad carload rate would be lower than the transportation charge for such a shipment at the railroad less-than-carload rate, such lesser weight shall be considered a carload;

(ii) A shipment by motor truck or trucks to a single delivery point of 15,000 pounds or more of fresh, frozen and/or cured meat cuts and/or carcasses as a single bulk sale transaction; and

(iii) Any single bulk sale transaction wherein the buyer takes delivery at the sellers' place of business of 15,000 pounds or more of fresh, frozen and/or cured meat cuts and/or carcasses.

(10) "Peddler truck sale" means a sale from a truck operated by a driver-salesman, where the first record of the transaction is made by the salesman concurrently with the delivery of the products sold. The term does not include deliveries made pursuant to prior orders.

(b) When used in this Revised Maximum Price Regulation No. 148 the term:

(1) "Ready to serve without further heating" refers to pork products which have been heated so that all parts of the pork muscle contained therein have reached a temperature of at least 140° F. by a method of heating and under conditions known to insure such result.

(2) "Baked" refers to a pork product which (i) has been heated in an oven for sufficient time to cause the formation of

a brown crust on the surface, the rendering out of the surface fat, the carmelization of sugar, if applied, and the formation of all other characteristics of a baked product; (ii) is ready to serve without further heating; and (iii) the lean meat of which weighs not in excess of 80% of its weight in the green state, or the moisture content of which is not in excess of 3 times the weight of protein minus the weight of sodium chloride as chemically tested.

(3) "Barbecued" refers to a product which (i) has been covered with a spiced sauce and cooked, either in a smokehouse or oven, sufficiently to assume the characteristics of cooked meat; (ii) is ready to serve without further heating; and (iii) the lean meat of which weighs not in excess of 80% of its weight in the green state or the moisture content of which is not in excess of 3 times the weight of protein minus the weight of sodium chloride as chemically tested.

(4) "Cooked" refers to a pork product which (i) has been heated, otherwise than in the smokehouse or by barbecuing or baking, for sufficient time to assume the characteristics of a cooked product; (ii) is ready to serve without further heating; and (iii) the lean meat of which weighs not in excess of 85% of its weight in the green state, or the moisture content of which is not in excess of 3.2 times the weight of protein minus the weight of sodium chloride as chemically tested.

(5) "Ready-to-eat" refers to a pork product which (i) has been heated in the smokehouse for sufficient time to assume the characteristics of a cooked product; (ii) is ready to serve without further heating, and (iii) the lean meat of which weighs not in excess of 90% of its weight in the green state, or the moisture content of which is not in excess of 3.4 times the weight of protein minus the weight of sodium chloride as chemically tested.

(6) "Chemically tested" means tested by the methods described in Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists, 5th Edition, 1940:

Salt (sodium chloride) —	Ch. XXVIII, para. 2.
Moisture	Ch. XXVIII, para. 5.
Protein	6.25 x wt. of total nitrogen, Ch. XXVIII, para. 8.

(7) "Dried" refers to a product from which moisture has been evaporated by an artificial drying process: The lean meat of Virginia Hams, Proscuitto Hams, Virginia Shoulders and Capicoli Butts shall have a total moisture content not in excess of 65 percent of such moisture in the green state or not in excess of 2.5 times the weight of protein minus the weight of sodium chloride as chemically tested. The lean meat of Virginia Sides, Virginia Bacon and Virginia Jowls shall weigh not in excess of 90 percent of its weight in the green state, or its moisture content shall not be in excess of 3.4 times the weight of protein minus the weight of sodium chloride as chemically tested.

(8) "Smoked" refers to a product which has been smoked by the actual burning of hardwood or hardwood saw-

dust in such manner as (i) to impart a smoked flavor to the meat, and (ii) to cause the finished weight to be no more than the green weight and to cause the following smoking and hanging shrinks from the weights at the beginning of the smoking process:

Wholesale pork cut	Minimum smoking and hanging shrink (Percent)
Regular and skinned ham	10
Picnic and shoulder	10
Boston butt	8
Boneless butt (cottage butt)	12
Belly (dry cured, semi-dry cured or sweet-pickle cured)	10
Brisket	12
Pork loin	10
Dry salt belly	7
Dry salt fat back	7
Jowl and plate	8
Spareribs	15
Hock, knuckle, and tail	7
Other smoked cuts	7

(9) "Boneless" refers to a product from which all of the bone has been removed.

(10) "Fatted" refers to a product from which the fat has been removed to within  $\frac{1}{2}$  inch of the lean.

(c) When used in this Revised Maximum Price Regulation No. 148 the following names of wholesale pork cuts refer to cuts meeting the following minimum specifications:

(1) "Grade A sliced bacon" includes bacon sliced from dry sugar-cured or semi-dry sugar-cured fancy-trimmed square-cut seedless whole bellies, from which the rind has been removed, in whole slices not over 9 $\frac{1}{2}$  inches in length and not over 2 $\frac{1}{4}$  inches or less than  $\frac{3}{4}$  of an inch in width, containing no more than two part slices to the package.

(2) "Grade B sliced bacon" includes bacon sliced from dry sugar-cured, semi-dry sugar-cured or sweet pickle sugar-cured whole bellies, from which the rind has been removed, in whole slices not over 11 inches in length and not over 3 inches or less than  $\frac{3}{4}$  of an inch in width, containing no more than two part slices to the package.

(3) "Grade C sliced bacon" includes all bacon sliced from oily bacon bellies, and all other bacon sliced from bellies which will not qualify as Grade A or Grade B sliced bacon, exclusive of ends and broken pieces.

(4) "Regular ham" includes hams cut off from the hog carcass not less than 2 $\frac{1}{2}$  inches from the exposed end of the aitch bone, properly faced, with the shank cut off at or above the hock joint, with loose and gut fat removed from the face and pelvic cavity, with the cushion side well rounded and no excessive flank.

(5) "Skinned ham" includes hams cut as regular hams but with the skin removed to leave a collar covering not more than 40% of the length of the ham, with the fat beveled back at least 3 inches from the lean meat at the butt, neatly rounded and beveled on flank and cushion, with not over 1 $\frac{1}{4}$  inches of fat left on any portion of the ham from which the skin has been removed.

(6) "Regular or skinned ham, short shank" includes regular or skinned hams from which the shank has been cut off 2 $\frac{1}{2}$  inches shorter than in the regular or skinned ham.

(7) "Regular or skinned ham, shankless" includes regular or skinned hams from which the shank has been cut off at least 3 inches above the stifle joint to remove the entire shank.

(8) "Regular picnic" includes picnics cut from shoulders not less than one rib wide in such manner as to leave not less than 1 inch or more than 2½ inches of blade bone in the picnic, closely trimmed, properly faced, with the rib and breast flap removed, well rounded and with the fat properly beveled on the butt end.

(9) "Regular picnic, short shank" includes regular picnics from which the shank has been cut off 2 inches from the arm pit and parallel to the knee joint.

(10) "Regular picnic, shankless" includes regular picnics from which the shank has been cut off close to the breast and parallel to the knee joint.

(11) "Regular picnic, half skinned" includes regular picnics from which the skin has been removed to leave a collar covering not more than 50% of the length of the picnic.

(12) "Rough shoulder" means an untrimmed shoulder with foot and jowl cut off and neck bone left in.

(13) "Regular shoulder" includes shoulders cut not less than one rib wide, with the breast flap taken off and the neck removed close to the body of the shoulder, and with the foot cut off at the knee joint.

(14) "Skinned shoulders" includes shoulders cut as regular shoulders, but with skin taken off within 4 inches of the base of the shank, neatly beveled on the edges, and with not over ¾ inch of fat left on any portion of the shoulder from which the skin has been removed.

(15) "Regular or skinned shoulder, short shank" includes regular or skinned shoulders from which the shank has been cut off 2 inches from the arm pit and parallel to the knee joint.

(16) "Regular or skinned shoulder, shankless" includes regular or skinned shoulders from which the shank has been cut off close to the breast and parallel to the knee joint.

(17) "Blade butt or blade bone" includes blade bones and lean meat taken from a regular plate in converting it to a clear plate.

(18) "Boston butt" includes butts the surplus fat of which has been removed to within ½ inch of the lean meat on all portions of the butt and which are neatly beveled on the edges.

(19) "Boneless butt, cellar trim," includes boneless butts from which the lip has been removed and which are trimmed smooth on all edges.

(20) "Regular pork loins" includes loins from which all excess fat over the tenderloin has been removed and the fat on the back of which does not exceed approximately ½ inch in thickness.

(21) "Regular pork loins, bladeless" includes regular pork loins from which the whole shoulder blade bone has been removed.

(22) "Regular pork loins, short cut" includes regular pork loins from which the shoulder end has been removed behind the blade bone and from which the loin end has been removed at the beginning of the cartilage.

(23) "Boneless pork loins or Canadian backs" includes pork loins from which all bones and surplus fat have been removed.

(24) "Fat back pork" includes pork derived from the fat back of well finished hogs and cut into pieces about 6 inches square.

(25) "Bean pork" includes jowl butts, neatly trimmed on the face and squared on the edges.

(26) "Clear plate pork" includes clear plates, free of bone, reasonably free of lean, and squared on the neck side.

(27) "Regular pork trimmings" includes trimmings having not in excess of 50% trimmable fat.

(28) "Special lean pork trimmings" includes pork trimmings having not in excess of 15 percent trimmable fat.

(29) "Extra lean pork trimmings" includes trimmings having not in excess of 5 percent trimmable fat.

(30) "Blade meat" includes meat removed from blade bones and having not in excess of 5 percent trimmable fat.

(31) "Virginia cured" includes products dry salt cured, washed, peppered and hung from 10 to 30 days before smoking, smoked and hung until product is at least 5 months old.

(32) "Bellies, square cut and seedless" includes boneless bellies made from smooth barrows, gilts, or sows and trimmed square on all edges except that the flank may be cut on a bias of not to exceed 1 inch, and if derived from gilts or sows, cut down until seed is removed, except for slight traces of firm white or pink seed. This term does not include bellies of 12 lbs. and under which are less than ½ of an inch in thickness, bellies

of 12 lbs. and up which are less than ¾ of an inch in thickness, nor bellies damaged by scribing or cut extremely long and narrow, or extremely wide and short, or 1¼ inches beyond the scribe mark, which bellies shall be deemed substandard.

(33) "Bellies, fancy trimmed" includes boneless bellies of high quality free from skin cuts, hair roots, rough skin and bruises, which meet all requirements for square-cut and seedless bellies except that all traces of seed must be removed, and the cartilage must be removed from the brisket end and they must be practically free of buttons.

(34) "Bellies, fancy trimmed with brisket off" includes all fancy trimmed bellies from which the brisket has been cut off behind the shoulder crease.

(35) "Clear bellies, dry salt trim", includes bellies reasonably square-cut without excessive boot-jack and boneless.

(36) "Rib bellies, dry salt trim" includes bellies cut like clear bellies, dry salt trim, but with the spareribs left in.

(37) "Clear bellies, dry salt square cut trim" includes boneless bellies with the bootjack removed and squarely trimmed on all sides.

§ 1364.33 *Revocation of orders issued under Maximum Price Regulation No. 148.* Orders numbered 1 and 3 to 28, both inclusive, under Maximum Price Regulation No. 148 are hereby revoked.

§ 1364.34 *Effective date.* Revised Maximum Price Regulation No. 148 (§§ 1364.21 to 1364.35, inclusive) shall become effective November 2, 1942.

#### § 1364.35 Appendix A: Schedules I, II, and III.

##### SCHEDULE I—BASE PRICES OF WHOLESALE PORK CUTS

[All prices are per hundred weight loose basis except where indicated otherwise, and do not include boxing, transportation, delivery, etc.]

##### (a) PORK CUTS: GREEN OR FROZEN, CURED, SMOKED AND READY-TO-EAT

Item	Green or frozen		Cured		Smoked (wrapped)		Ready-to-eat (wrapped)	
	Weight (pounds)	Price (dollars)	Weight (pounds)	Price (dollars)	Weight (pounds)	Price (dollars)	Weight (pounds)	Price (dollars)
1. Hams—regular: Bone in								
Under 14...	25.50	Under 14...	25.50	Under 14...	29.75	Under 12...	32.75	
14-18...	24.75	14-18...	24.75	14-18...	29.00	12-16...	32.00	
Over 18...	23.75	Over 18...	23.75	Over 18...	28.00	Over 16...	31.00	
Under 14...	27.50	Under 14...	27.50	Under 14...	32.00	Under 12...	35.25	
14-18...	26.75	14-18...	26.75	14-18...	31.25	12-16...	34.50	
Over 18...	25.75	Over 18...	25.75	Over 18...	30.25	Over 16...	33.50	
Under 14...	28.75	Under 14...	28.75	Under 12...	33.50	Under 12...	36.75	
14-18...	28.00	14-18...	28.00	12-16...	32.75	12-14...	36.00	
Over 18...	27.00	Over 18...	27.00	Over 16...	31.75	Over 14...	35.00	
Under 14...	31.25	Under 14...	31.25	Under 12...	36.25	Under 12...	39.75	
14-18...	30.50	14-18...	30.50	12-16...	35.50	12-14...	39.00	
Over 18...	29.50	Over 18...	29.50	Over 16...	34.50	Over 14...	38.00	
Under 10...	34.00	Under 10...	34.00	Under 10...	40.00	Under 8...	43.50	
10-14...	33.00	10-14...	33.00	10-12...	39.00	8-12...	42.50	
Over 14...	31.50	Over 14...	31.50	Over 12...	37.50	Over 12...	41.00	
Under 10...	36.75	Under 10...	36.75	Under 10...	43.00	Under 8...	47.00	
10-14...	35.75	10-14...	35.75	10-12...	42.00	8-12...	46.00	
Over 14...	34.25	Over 14...	34.25	Over 12...	40.50	Over 12...	44.50	
Under 8...	27.25	Over 8...	27.25	Over 8...	32.75	Over 7...	37.00	
8-12...	20.00	Under 8...	21.00	Under 8...	25.50	Over 7...	36.00	
12-16...	18.00	12-16...	19.00	12-14...	23.50			
16-20...	17.50	16-20...	18.50	14-18...	23.00			
22.50	Under 8...	23.50	Under 8...	28.50				
8-12...	22.00	8-18...	23.00	8-10...	28.00			
12-16...	20.25	12-18...	21.25	10-14...	25.25			
10-20...	19.75	16-20...	20.75	14-16...	24.50			
Under 12...	26.25	Under 12...	26.75	Under 10...	31.50			
12-16...	24.75	12-16...	25.25	10-14...	30.00			
Over 16...	23.75	Over 16...	24.50	Over 14...	29.00			
11. Picnics:								
Bone in...	23.25		23.25		27.50		30.50	
Boneless...	27.00		27.00		31.75		35.00	
Boneless and fatted...	32.00		32.00		38.25		41.75	

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Item	Green or frozen		Cured		Smoked (wrapped)		Ready-to-eat (wrapped)		Item		Cooked—bone in		Cooked—boneless	
	Weight (pounds)	Price (dollars)	Weight (pounds)	Price (dollars)	Weight (pounds)	Price (dollars)	Weight (pounds)	Price (dollars)	Weight	Price	Weight	Price	Weight	Price
12. Shoulders—skinned:														
Bone in	25.25	30.00	25.25	30.00	25.50	30.00	26.50	32.00	Under 12	32.75	Under 12	36.75	Under 12	36.00
Boneless	30.00	32.50	30.00	32.50	33.75	35.00	33.75	35.00	12-14	32.00	Over 14	35.00	12-14	35.00
Boneless and fatted									Under 12	35.25	Under 12	39.75	Under 12	39.00
13. Shoulders—regular	23.25	23.25	23.25	23.25	38.50	38.50	38.50	38.50	12-16	34.50	12-14	38.00	12-14	38.00
14. Shoulders—rough: Neck bone in	22.50	22.50	22.50	22.50	27.50	27.50	27.50	27.50	Over 16	33.50	Over 14	35.00	All weights	35.00
15. Shoulders—rough: Neck bone out	23.00	23.00	23.00	23.00	27.25	27.25	27.25	27.25	All weights	30.50	All weights	35.00	All weights	35.00
16. Butts—boneless C. T.	33.25	33.25	33.25	33.25	42.50	42.50	46.50	46.50	9. Dried products:					
17. Loins—boneless or Canadian bacon	37.25	37.25	37.25	37.25	45.50	45.50	49.75	49.75	Virginia hams.					
18. Briskets	14.00	14.00	15.00	15.00	19.50	19.50	19.50	19.50	Prosciutto hams.					
19. Sliced bacon—derinded:									Virginia sides.					
Standard Grade A									Virginia bacon.					
Standard Grade B									Virginia jowls.					
Standard Grade C									Virginia shoulders.					
Sliced Jowl butts									Capicolla butts.					
Sliced regular plates														
Bacon end slices														
Sliced Canadian bacon														
(b) PORK CUTS: GREEN OR FROZEN, CURED, SMOKED AND BARBECUED														
Item									SAUSAGE MATERIAL					
	Weight	Price	Weight	Price	Weight	Price	Weight	Price	1. Regular trimmings	2. Neck bone trimmings	3. Special lean trimmings	4. Extra lean trimmings	5. Blde meat	Dollars
1. Fat backs.									5. Blde meat.	32.25	32.25	32.25	32.25	
2. Fat back ends or squares									6. Skinned neck fat.	34.25	34.25	34.25	34.25	
3. Bellies—dry salt.									7. Skin-on neck fat.	36.25	36.25	36.25	36.25	
4. Plates and Jowls:									8. Skinned ham fat.	13.25	13.25	13.25	13.25	
Clear plates.									9. Skinned shoulder fat.	12.50	12.50	12.50	12.50	
Regular plates.									10. Skinned ham fat.	13.25	13.25	13.25	13.25	
Jowl butts									11. S. P. ham fat.	13.25	13.25	13.25	13.25	
Square Jowl butts														12.75
5. Spare ribs (packed in tiers):														
Light.														
Medium.														
Heavy.														
Barbecue, brisket bone off.														
Loin ribs														
(c) PORK CUTS: COOKED, BAKED, SMOKED, BARBECUED AND DRIED (WRAPPED)														
Item	Cooked		Cooked and smoked		Baked and barbecued									
	Weight	Price	Weight	Price	Weight	Price	Weight	Price	Weight	Price	Weight	Price	Weight	Price
1. Hams—regular—boneless and fatted.														
Under 8	Dollars	Pounds	Under 8	Dollars	Pounds	Under 8	Dollars	Pounds	Under 8	Dollars	Pounds	Under 8	Dollars	
8-10	48.25	Under 8	44.50	8-10	Under 8	47.75	47.75	Under 8	51.25	49.00	8-10	49.25	49.25	
Over 10	42.25	Over 10	42.25	Over 10	43.75	43.75	Over 10	46.75	46.75	Over 10	46.75	46.75	46.75	
Under 8	49.75	Under 8	48.00	8-10	51.30	51.30	Under 8	53.00	53.00	Under 8	53.00	53.00	53.00	
8-10	48.00	Over 10	49.75	20.75	27.25	32.25	46.75	46.75	Over 10	50.25	49.50	49.50	49.50	
Over 10	45.50	Over 10	42.00	19.00	20.00	23.00	43.25	43.25	Over 10	50.25	47.50	47.50	47.50	
All weights	42.75	All weights	42.75	All weights	43.25	43.25	All weights	46.75	All weights	All weights	46.75	46.75	46.75	
(d) PORK SAUSAGE MATERIAL AND MISCELLANEOUS PORK CUTS														
(e) MISCELLANEOUS														
(f) PORK CUTS: COOKED, BAKED, SMOKED, BARBECUED AND DRIED (WRAPPED)														
(g) MISCELLANEOUS														
(h) MISCELLANEOUS														
(i) MISCELLANEOUS														
(j) MISCELLANEOUS														
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(oo) MISCELLANEOUS														
(pp) MISCELL														

## (e) PORK CUTS PACKED IN WOOD CONTAINERS

Net weights.....	Kit 18 pounds	1/4 barrel 25 pounds	1/4 barrel 50 pounds	1/2 barrel 100 pounds	Barrel 200 pounds
FAT BACK PORK					
1. 30-40 pieces per barrel.....	\$2.45	\$3.95	\$7.60	\$14.75	\$27.50
2. 40-50 pieces per barrel.....	2.40	3.80	7.35	14.25	26.50
3. 50-60 pieces per barrel.....	2.30	3.70	7.10	13.75	25.50
4. 60-70 pieces per barrel.....	2.25	3.60	7.00	13.35	24.75
5. 70-80 pieces per barrel.....	2.20	3.55	6.80	13.10	24.25
6. 80-100 pieces per barrel.....	2.20	3.50	6.75	13.00	24.00
7. 100-125 pieces per barrel.....	2.15	5.45	6.70	12.85	23.75
PLATE PORK					
8. 25-35 pieces per barrel.....	2.25	3.55	6.85	13.25	24.50
9. 35-44 pieces per barrel.....	2.25	3.55	6.85	13.25	24.50
10. Brisket pork.....	3.15	4.95	9.85	19.25	36.50

11. Vinegar pickled pork feet, cooked bone in:	
Tierces (300 pounds).....	each \$29.50
Barrels (200 pounds).....	do 24.50
1/2 Barrels (75 pounds).....	do 8.25
1/4 Barrels (35 pounds).....	do 4.00
1/8 Barrels (17 pounds).....	do 2.25
Kits (13 pounds).....	do 1.75

## (f) CANNED PORK ITEMS.

1. Spiced luncheon meat:	
12 oz. cans per cwt.....	\$39.00
2 1/2 lb. cans per cwt.....	36.25
6 lb. cans per cwt.....	35.00
2. Spiced ham:	
12 oz. cans per cwt.....	41.50
2 1/2 lb. cans per cwt.....	38.75
6 lb. cans per cwt.....	37.50
3. Pork sausage:	
1 1/2 lb. cans per cwt.....	29.50
4. Pork sausage links:	
2 lb. cans per cwt.....	S. C. 40.00
2 lb. cans per cwt.....	H. C. 38.00
5. Pork sausage soyalinks:	
1 1/2 lb. cans per cwt.....	27.50
6. Corned pork:	
12 oz. cans per cwt.....	60.00
6 lb. cans per cwt.....	56.00
7. Sliced bacon:	
1 1/2 lb. cans per cwt.....	34.75
7 lb. cans per cwt.....	34.50
8. Dry salt bacon (slab):	
12 lb. cans per cwt.....	29.25
14 lb. cans per cwt.....	29.00
9. Pork tongues:	
12 oz. cans per cwt.....	40.50
2 1/2 lb. cans per cwt.....	37.75
6 lb. cans per cwt.....	36.50
10. Pork soya segments:	
1 1/2 lb. cans per cwt.....	26.00
*     *     *     *     *	

## (g) PRODUCTS FOR WAR PROCUREMENT AGENCIES

(Prepared according to United States Government Specifications)	
1. Wiltshires—cured.....	\$21.50
2. Overseas hams—regular:	
Shankless:	
Under 10 lbs.....	34.25
10-14 lbs.....	33.50
Over 14 lbs.....	32.50
3. Overseas hams—skinned:	
Shankless:	
Under 10 lbs.....	36.50
10-14 lbs.....	35.75
Over 14 lbs.....	34.75
4. Overseas hams—regular:	
Shank on:	
Under 12 lbs.....	32.75
12-16 lbs.....	32.00
Over 16 lbs.....	31.00
5. Overseas hams—skinned:	
Shank on:	
Under 12 lbs.....	35.00
12-16 lbs.....	34.25
Over 16 lbs.....	33.25

6. War hams:	
Smoked up to 72 hours:	
Regular:	
Under 12 lbs.....	30.75
12-16 lbs.....	30.00
Over 16 lbs.....	29.00
Skinned:	
Under 12 lbs.....	33.00
12-16 lbs.....	32.25
Over 16 lbs.....	31.25
7. War hams:	
Smoked 96 hours:	
Regular:	
Under 12 lbs.....	31.25
12-16 lbs.....	30.50
Over 16 lbs.....	29.50
Skinned:	
Under 12 lbs.....	33.50
12-16 lbs.....	32.75
Over 16 lbs.....	31.75
8. War hams:	
Smoked 7 days:	
Regular:	
Under 12 lbs.....	31.75
12-16 lbs.....	31.00
Over 16 lbs.....	30.00
Skinned:	
Under 12 lbs.....	34.00
12-16 lbs.....	33.25
Over 16 lbs.....	32.25
9. Overseas bacon:	
Smoked 96 hours:	
Under 8 lbs.....	27.50
8-10 lbs.....	27.00
10-14 lbs.....	25.00
14-18 lbs.....	25.00
10. War bacon:	
Smoked 72 hours:	
Under 8 lbs.....	27.00
8-10 lbs.....	26.50
10-14 lbs.....	25.00
14-18 lbs.....	24.50
11. Domestic bacon:	
Smoked 24 hours:	
Under 8 lbs.....	26.00
8-10 lbs.....	25.50
10-14 lbs.....	24.00
14-18 lbs.....	23.50
12. Issue dry salt bacon:	
Under 8 lbs.....	24.50
8-12 lbs.....	24.00
12-16 lbs.....	22.50
16-20 lbs.....	22.00
13. Export hams—regular:	
Smoked 96 hours:	
Under 12 lbs.....	30.75
12-16 lbs.....	30.00
16 lbs.....	29.00
14. Export hams—skinned:	
Smoked 96 hours:	
Under 12 lbs.....	33.00
12-16 lbs.....	32.25
16 lbs.....	31.25
15. Rib-backs, D. S.	19.00
16. Rib-backs—smoked	23.50

## SCHEDULE II—REQUIRED DEDUCTIONS FROM BASE PRICES LISTED IN SCHEDULE I

(a) (1) For all slightly miscut or skin cut fresh or frozen wholesale pork cuts otherwise up to standard, \$0.50 per cwt.

(2) For all fresh or frozen wholesale pork cuts otherwise substandard because of trim, thick or wrinkled skin, bruises, abscesses, blood clots, accidental damage, or abnormal color, texture, odor, or consistency or character of the lean flesh and of the fat included therein, \$1.00 per cwt.

(3) For all cured or processed wholesale pork cuts substandard because not in compliance with processing requirements contained in this regulation, \$2.00 per cwt.

(b) For the following wholesale pork cuts derived from oily hog carcasses:

Required deduction	Per cwt.
Description of cut:	
Ham	\$1.00
Shoulders and shoulder cuts	3.00
Pork loins	3.00
Bellies	3.00
Slab bacon	3.00
Fat backs	1.00

(c) For all wholesale pork cuts delivered in a straight or mixed carload shipment, \$1.00 per cwt.

(d) For all wholesale pork cuts delivered to a processor, wholesaler or jobber in a straight or mixed shipment of 5,000 lbs. or more, but less than a carload, \$0.50 per cwt.

(e) For all dried, smoked, ready-to-eat, cooked, baked or barbecued wholesale pork cuts except sliced bacon not individually packed in parchment paper, cellophane, or artificial casings or similar packages, \$0.50 per cwt.

(f) For sliced bacon not packed in (1) 1/2 lb. or 1 lb. packages of cellophane or similar 1/2 or 1 lb. packages, \$0.75 per cwt. (2) 12 lb. cartons, \$0.25 per cwt.

(g) For semi-dry cured Grade A sliced bacon \$1.00 per cwt.

## SCHEDULE III—PERMITTED ADDITIONS TO BASE PRICES LISTED IN SCHEDULE I

(a) For special cutting and trimming:

(1) Hams:	Per cwt. over standard
Short shank	\$0.50
Shankless	.75
(2) Shoulders:	
Short shank	.50
Shankless	.75
(3) Picnics:	
Short shank	.50
Shankless	.75
Half skinned	.25
(4) Loins:	
Bladeless	.50
Short-cut	3.00
(5) Bellies:	Dry salt trim
Square-cut, dry salt	1.00
(6) Bacon bellies:	Square-cut seedless trim
Fancy	1.00
Brisket off	2.00

(b) For fresh loins, shoulders, picnics, Boston butts, boneless butts, spareribs, feet, tails and neck bones derived from hogs killed in each of the following regions and delivered by local delivery within such region on the same day as or on the day after the initial cutting of the carcass from which such cuts are derived:

## Regions and Permitted Additions

(1) New England, New Jersey, Delaware, Maryland, the District of Columbia, and those portions of New York and Pennsylvania lying east of the 77th meridian; \$1.50 per cwt.

(2) Those portions of Pennsylvania and New York lying west of the 77th meridian; \$1.00 per cwt.

(3) Virginia, West Virginia, Kentucky, Ohio, Indiana, Chicago, Illinois, and the lower peninsula of Michigan (that part of Michigan lying between Lake Michigan and Lake Huron); \$0.50 per cwt.

(c) For packing in shipping containers:

(1) For domestic shipment (maximum addition permitted; \$0.50 per cwt. No addition permitted where price in Schedule I includes shipping container):

(i) Packing in wood, fiber, corrugated or metal boxes or barrels; \$0.50 per cwt.

(ii) Packing in other boxes, or sacks, or burlap wrappings; \$0.25 per cwt.

(2) For export shipment, U. S. Government specifications:

(i) Canned products in nailed wooden boxes, specifications FSC 1589-C; \$0.75 per cwt.

(ii) Canned products in wirebound boxes, FSCC or other U. S. Government specifications; \$0.40 per cwt.

(iii) Canned products in weatherproof solid fiber boxes overcased in wirebound wooden boxes, U. S. Government specifications; \$0.75 per cwt.

(iv) Other products for export shipment, U. S. government specifications; \$0.75 per cwt.

(d) For local delivery:

(1) Where the seller makes local delivery to the buyer's store-door, otherwise than by peddler delivery as stated in paragraph (d) (2) of this schedule, he may add to the base prices specified in Schedule I, the sum of \$0.25 per cwt., if such delivery is completed within 25 miles of the point from which such local delivery begins, or the sum of \$0.50 per cwt., if such delivery is completed over 25 miles from such point of beginning.

(2) Where the seller makes a peddler-truck sale, involving delivery of not more than 50 pounds of meats and other food-stuffs in any one day from such truck to any buyer's store-door, he may add to the prices specified in Schedule I, the sum of \$1.50 per cwt.

(e) For all wholesale pork cuts sold to persons engaged in and for use in the hotel and restaurant trade: \$0.50 per cwt.

Issued this 22d day of October 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-10700; Filed, October 22, 1942;  
5:15 p. m.]

### TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Navy

PART 6—SECURITY OF PORTS AND THE CONTROL OF VESSELS IN THE NAVIGABLE WATERS OF THE UNITED STATES

#### Corrections

F.R. Doc. 42-9946, filed October 5, 1942, at 4:01 p. m. and appearing in the issue for Saturday, October 10, 1942, should be corrected as follows:

Page 8032, paragraph (d), line 13, "hous" should read "house".

Page 8033, third column, § 6.1-20, sixth line, "150°" should read "154°".

Page 8034, column two, paragraph (j), line 8, "Halm" should read "Half".

Page 8035, column one, subparagraph 4, line 8, "short" should read "shore".

Page 8043, § 6.5-10, line 12, "aline" should read "a line".

In § 6.5-25 on page 8044, the paragraphs designated with arabic numerals in parentheses should run consecutively from "1" through "28".

Page 8046, column three, subparagraph (2), line 9, "6.5-20" should read "6.5-25". In the paragraph for Anchorage R. R., twelfth line, "Steamboak" should read "Steamboat".

Page 8049, column one, the paragraph designated "(e)" should be designated "(v)".

Page 8050, second column, subparagraph (22) "Homer" should be "Home".

Page 8062, column one, paragraph (g), line 15, "216" should read "216°".

of fact and conclusions thereon,<sup>1</sup> which report is hereby made a part hereof:

*It is ordered*, That the delimitation of the Cincinnati, Ohio, commercial zone in the Commission's order of September 10, 1940 (5 F.R. 3814), be and it is hereby amended to include the additional points of Fairfax and Mariemont, Ohio, and to read as follows:

§ 170.7 *Cincinnati, Ohio*. For the purpose of administration and enforcement of the Interstate Commerce Act, the zone adjacent to and commercially a part of Cincinnati, Ohio, and contiguous municipalities in which transportation by motor vehicle in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond the zone, will be partially exempt under section 203 (b) (8) of the act from regulation, shall be, and it is hereby defined to include the following:

Addyston, Ohio.  
Cheviot, Ohio.  
Cincinnati, Ohio.  
Cleves, Ohio.  
Elmwood Place, Ohio.  
Fairfax, Ohio.  
Mariemont, Ohio.  
North Bend, Ohio.  
Norwood, Ohio.  
St. Bernard, Ohio.  
Springfield Township, Ohio.  
Sycamore Township, Ohio.  
Covington, Ky.  
Newport, Ky.

That portion of Kenton County, Ky., lying on and north of a line commencing at the intersection of the Boone-Kenton County line and the Dixie Highway, and thence over the latter to Covington, including communities on the described lines.

That portion of Campbell County, Ky., lying on and north of a line commencing at the south corporate limit of Newport, thence over Licking Pike to junction with Johns Hill Road, thence over the latter to junction with Alexandria Pike, thence over the latter to junction with a county road, thence over the latter to the Ohio River including communities on the described lines.

(Sec. 203 (b) (8), 29 Stat. 546, 54 Stat. 919; 49 U.S.C. Sup. 303 (b) (8))

*It is further ordered*, That this order shall become effective November 16, 1942, and shall continue in effect until the further order of the Commission.

By the Commission, Division 5.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 42-10693; Filed, October 22, 1942;  
3:18 p. m.]

### TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Ex Parte No. MC-30]

Subchapter B—Carriers by Motor Vehicle

PART 170—COMMERCIAL ZONES

#### CINCINNATI, OHIO

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 29th day of September, A. D. 1942.

Investigation of the matters and things involved in this proceeding having been made, and the said division, on the date hereof, having made and filed a report herein containing its findings

### Notices

### DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1692]

DISTRICT BOARD 14

#### NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 14 for the establishment of certain price classifications and minimum prices for coals produced in

<sup>1</sup> Filed as part of the original document.

District No. 14 and sold for use as steamship bunker fuel.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

*It is ordered*, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on November 13, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, at the Circuit Court Room, Fort Smith, Arkansas.

*It is further ordered*, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 7, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 14 for the establishment of the following price classifications and minimum prices in cents per net ton for coals produced in District No. 14 and sold for use as steamship bunker fuel:

Size	Price
Any size prepared coal, single or double screened, straight mi. run, and all resultants larger than 6" x 0	290
All resultants larger than 2½" x 0 but not larger than 6" x 0	265
All resultants 2½" x 0 and smaller	175

Dated: October 22, 1942.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 42-10730; Filed, October 23, 1942;  
11:36 a. m.]

[Docket No. A-1672]

DISTRICT BOARD 14

NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 14 requesting that Mine Index No. 170 of the J. M. Bates Coal Company and Mine Index No. 485 of the A. M. Hobbs Coal Company be permitted to absorb certain freight charges on sales of railroad locomotive fuel to the Kansas City Southern Railway Company.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

*It is ordered*, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on November 12, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, at the Circuit Court Room, Fort Smith, Arkansas.

*It is further ordered*, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths, and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 7, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 14 requesting that Mine Index No. 170 of the J. M. Bates Coal Company and Mine Index No. 485 of the A. M. Hobbs Coal Company be permitted to absorb the following freight charges on sales of railroad locomotive fuel to the Kansas City Southern Railway Company:

Mine index No.	Midland Valley and Rock Island freight rate to be absorbed in cents per net ton	
	R/M or mod.	Slack
170.....	39.4	38.6
485.....	60.7	53.9

Dated: October 22, 1942.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 42-10725; Filed, October 23, 1942;  
11:37 a. m.]

[Docket Nos. A-1621 and A-1621, Part II]

DISTRICT BOARD NO. 15

PETITION FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS, ETC.

In the matter of the petition of District Board No. 15 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 15 and for a change in the railroad upon which the coals of the Midway Mine (Mine Index No. 1433) originate for rail shipment.

In the matter of the petition of District Board No. 15 for the establishment of price classifications and minimum prices for the coals of the Sizemore Mine.

Memorandum opinion and order severing Docket No. A-1621 Part II from Docket No. A-1621 and granting temporary relief in Docket No. A-1621 Part II.

The original petition in the above-entitled matter filed with the Division on September 24, 1942, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, prays for the establishment of temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 15.

As indicated in a separate order entered in Docket No. A-1621, a reasonable showing of necessity has been made for the granting of the relief prayed for by the petitioner. However, in accordance with the prayer contained in the original petition, it appears that no final determination should be made at this time with respect to the establishment of permanent price classifications and minimum prices, for truck shipment, for the coals of the Sizemore Mine, Mine Index No. 1629 of the Sizemore Coal Company (Roy Sizemore) located in Production Group No. 3, Adair County, Missouri.

It appears that the coals of the Sizemore Mine, located in Adair County, Missouri, possess marketing factors and qualities similar to those of other coals heretofore classified and priced and presently being produced in that county and that the minimum prices for the coals of the Sizemore Mine, in the respective size groups, should correspond with those in effect for other coals produced in the same county for shipment by truck into all market areas. The coals produced in Adair County, Missouri, and previously priced for shipment by truck, are presently subject to the temporary minimum prices set forth in the order entered October 29, 1940.

granting temporary relief in Docket No. A-58.

Pending final determination of the issues in Docket Nos. A-58 and A-179, a petition was filed in Docket No. A-492, wherein it was requested that the minimum prices made effective temporarily in Docket No. A-179 for the coals of Putnam County, Missouri, be made permanent. Docket Nos. A-58, A-179, and A-492 were thereafter consolidated, but, in accordance with a request and stipulation filed therein by all the parties thereto, there has been no change in the above-mentioned orders granting temporary relief and no permanent order has been entered in any of the above-numbered dockets.

In view of the foregoing, it is deemed advisable at this time to establish only temporarily the proposed price classifications and minimum prices for the coals of the Sizemore Mine and that permanent classifications and prices should

await final determination of the related issues under consideration in the consolidated Docket Nos. A-58, A-179 and A-492.

Now, therefore, *It is ordered*, That the portion of Docket No. A-1621 relating to the coals of the Sizemore Mine of the Sizemore Coal Company (Roy Sizemore) be, and it hereby is, severed from the remainder of that docket and designated as Docket No. A-1621, Part II.

*It is further ordered*, That pending final disposition of Docket No. A-1621, Part II, temporary relief is granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 15 For Truck Shipments is supplemented to include the price classifications and minimum prices set forth below for the coals of the Sizemore Mine (Mine Index No. 1629) of the Sizemore Coal Company (Roy Sizemore) for shipment by truck to all market areas.

DISTRICT NO. 15 (TRUCK SHIPMENTS)  
[Prices in cents per net ton for shipment into all market areas]

Mine index No.	Code member	Mine name	Production group No.	County										
1629	Sizemore Coal Co. (Roy Sizemore)	Sizemore	3	Adair, Missouri										
Prices and size group Nos.														
Size group														
	1	2	3	4	5	6	7	8	9	10	11	12	14	15
Mine Index No. 1629.	{ 240 1629 260	240 260	240 260	240 260	225 235	215 220	205 205	195 195	220 240	190 190	195 215	180 200	120 140	45 45

<sup>1</sup>Prices applicable on coal moving into the State of Iowa.

The price classifications and minimum prices set forth above for the coals of the Sizemore Mine (Mine Index No. 1629) are based upon the price classifications and minimum prices in effect on October 1, 1942, for comparable and analogous coals and already reflect the changes, if any, made in minimum prices by the Acting Director's Order of August 28, 1942, in General Docket No. 21. Except in this regard, the minimum prices set forth above do not differ from the minimum prices proposed by petitioner.

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: October 22, 1942.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 42-10728; Filed, October 23, 1942;  
11:35 a. m.]

[Docket No. A-1683]

DISTRICT BOARD NO. 19

NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 19 for the establishment

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 18, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of the original petition.

The matter concerned herewith is in regard to the petition of District Board No. 19 for (1) the establishment of the following minimum f. o. b. mine prices in cents per net ton for coals in Size Group 3 produced in Subdistrict 7 in District No. 19 for shipment by rail:

Size group No. 3, Sub-District No. 7—Sheridan 5" lump, (market areas)	Size group No. 3, 5" & over x 3"
45 and 46	165
47-50, 52-69 71, 73, 75-78	155
70, 72 and 74	160
200-202	205
203 and 214	195
204, 205, 207, 208 and 210	150
206, 215 and 216	175
209 and 211	155
212	160
213	225
217-219, 244-246	190
234, 237 (Idaho) 240 and 241	185
237 (Wash) 238, 239, 247-254	205
242 and 243	195

and (2) revision of the description of Size Group 3 as contained on page 3 of the Schedule of Effective Minimum Prices for District No. 19 for All Shipments to read as follows:

Size group No.	Single screen sizes	Double screen sizes	
	Maximum screen opening	Maximum top screen opening	Maximum bottom screen opening
3 Lump	5"	8" and over	x 3"

Dated: October 22, 1942.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 42-10729; Filed, October 23, 1942;  
11:36 a. m.]

## FARMERS UNION STATE EXCHANGE

## ORDER SUPPLEMENTING ORDER

In the matter of the application of the Farmers Union State Exchange, Omaha, Nebraska, for registration as a bona fide and legitimate farmers' cooperative organization.

The above-named registered farmers' cooperative organization, registration No. 2879, having submitted a certified list of bona fide and legitimate farmers' cooperative organizations which have become members of registrant since the issuance of previous orders herein;

*It is ordered*, That Exhibit "A" of the order in the above-entitled matter dated November 15, 1940, as amended July 15, 1941, March 14, 1942, July 15, 1942 and September 30, 1942, be and the same is hereby amended by adding thereto the following:

## ADDITIONS

Name	Address
Farmers Union Co-operative Association.	Ohiowa, Nebr.
Axtel Grain and Elevator Co.	Axtell, Nebr.
Bingham Co-operative Association.	Bingham, Nebr.
Farmers Elevator Co.	Clatonia, Nebr.
Maywood Equity Exchange	Maywood, Nebr.

Dated: October 22, 1942.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 42-10726; Filed, October 23, 1942;  
11:36 a. m.]

CENTRAL ILLINOIS COAL MINING COMPANY,  
ET AL.

## ORDER REVOKING CERTAIN REGISTRATIONS

In the matter of the revocation of registrations as distributors of Central Illinois Coal Mining Company, L. F. Kaine & Company (a partnership), Wade Coal Company.

The registered distributors, whose names are set forth in Exhibit A, attached hereto and made a part hereof, having requested revocation of registration, having discontinued or disposed of their distribution business, having been reorganized under a new name, having been otherwise succeeded in their business or for other reasons being no longer engaged in business, the registrations previously granted to them should be revoked and their names withdrawn from the List of Registered Distributors.

Accordingly, *It is so ordered*.

Dated: October 21, 1942.

[SEAL] DAN H. WHEELER,  
Director.

## EXHIBIT A

Registration No.: Name and address  
1505---Central Illinois Coal Mining Co.,  
P. O. Box 396, Springfield, Ill.  
4912---L. F. Kaine & Co., (a partnership),  
No. 1 Broadway, New York, N. Y.  
9332---Wade Coal Co., 32 W. Randolph  
St., Chicago, Ill.

[F. R. Doc. 42-10727; Filed, October 23, 1942;  
11:35 a. m.]

## Bureau of Mines.

## MICHAEL MUSKEY

## ORDER REVOKING LICENSE

In the matter of Michael Muskey, licensee; proceeding for revocation of license.

To: Michael Muskey, licensee above-named, R. F. D. No. 2, Box 788, Shamokin, Pennsylvania.

Based upon the records in this matter, I, R. R. Sayers, Director of the Bureau of Mines, make the following Findings of Fact.

1. On September 26, 1942, a Specification of Charges against you, setting forth violations of the Federal Explosives Act (55 Stat. 863) and regulations thereunder of which you were accused was mailed to you at the above-named, your last known address, giving you notice to mail an answer within 15 days demanding a hearing if you wished to be heard on the charges against you.

2. More than 20 days have elapsed since the giving of said notice. The length of time for mail to be delivered to the office of the Bureau of Mines, Washington, D. C., from Shamokin, Pennsylvania, does not exceed three days. You have returned to me the original Vendor's License No. 60540 issued to you on March 9, 1942, and have not demanded a hearing.

3. The charges against you are true.

Now, therefore, by virtue of the authority vested in me by sections 8 and 18 of the Federal Explosives Act (55 Stat. 863) and § 301.22 of the regulations thereunder (7 F.R. 5901);

*It is hereby ordered*, That Vendor's License No. 60540, heretofore issued to you under the Federal Explosives Act (55 Stat. 863), be and it is hereby revoked.

Dated: October 19, 1942.

R. R. SAYERS,  
Director.

[F. R. Doc. 42-10710; Filed, October 23, 1942;  
9:55 a. m.]

## General Land Office.

## [Public Land Order 46]

## ALASKA

## WITHDRAWING PUBLIC LANDS FOR CLASSIFICATION AND IN AID OF LEGISLATION

By virtue of the authority contained in the act of June 25, 1910, C. 421, 36 Stat. 847, as amended by the act of August 24, 1912, C. 369, 37 Stat. 497 (U.S.C. title 43, secs. 141-143), and pursuant to Executive Order No. 9146 of April 24, 1942, it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby temporarily withdrawn from settlement, location, sale, or entry, for classification and in aid of legislation:

## COPPER RIVER MERIDIAN

T. 4 N., R. 1 W.,  
Secs. 7, 18 and 19, W $\frac{1}{2}$  sec. 29, E $\frac{1}{2}$  sec. 30,  
and N $\frac{1}{2}$  sec. 32.  
T. 4 N., R. 2 W.,  
Secs. 19 to 24, inclusive, unsurveyed.

The areas described aggregate 6720 acres.

So far as any of the above described lands are affected, this order shall be subject to (1) the withdrawal for a supply and repair shop for the Alaska Road Commission by Executive Order No. 9035 of January 21, 1942, (2) the withdrawal for a patrol station for the Alaska Fire Control Service by Executive Order No. 9085 of March 4, 1942, (3) the withdrawal for the Alaska Road Commission of a 200 foot right of way by Executive Order No. 9145 of April 23, 1942, and (4) the withdrawal for the location and construction of the Canadian-Alaska Military Highway by Public Land Order No. 12 of July 20, 1942.

HAROLD L. ICKES,  
Secretary of the Interior.

OCTOBER 8, 1942.

[F. R. Doc. 42-10713; Filed, October 23, 1942;  
9:52 a. m.]

## DEPARTMENT OF LABOR.

## Wage and Hour Division.

## CANDY AND RELATED PRODUCTS MANUFACTURING INDUSTRY

## NOTICE OF FINAL DATE FOR SUBMISSION OF BRIEFS

Notice of final date for submission of written briefs in the matter of the minimum wage recommendation of Industry Committee No. 47 for the Candy and Related Products Manufacturing Industry.

Notice is hereby given that the Administrator of the Wage and Hour Division will receive at his office, 165 West 46th Street, New York, New York, from persons who entered an appearance at the hearing held on October 14, 1942 on the minimum wage recommendation of Industry Committee No. 47 for the Candy and Related Products Manufacturing Industry, written briefs bearing on the issues which are before him in this matter: *Provided*, That at least twelve copies of each such brief shall be submitted to him before 4:30 p. m., Thursday, November 12, 1942.

Signed at New York, New York, this 21st day of October 1942.

WILLIAM B. GROGAN,  
Acting Administrator.

[F. R. Doc. 42-10708; Filed, October 23, 1942;  
9:31 a. m.]

## CONVERTED PAPER PRODUCTS INDUSTRY

## NOTICE OF FINAL DATE FOR SUBMISSION OF BRIEFS

Notice of final date for submission of written briefs in the matter of the minimum wage recommendation of Industry Committee No. 48 for the Converted Paper Products Industry.

Notice is hereby given that the Administrator of the Wage and Hour Division will receive at his office, 165 West 46th Street, New York, New York, from persons who entered an appearance at the hearing held on October 21, 1942 on

the minimum wage recommendation of Industry Committee No. 48 for the Converted Paper Products Industry, written briefs bearing on the issues which are before him in this matter: *Provided*, That at least twelve copies of each such brief shall be submitted to him before 4:30 p. m., Thursday, November 12, 1942.

Signed at New York, New York, this 21st day of October, 1942.

WILLIAM B. GROGAN,  
Acting Administrator.

[F. R. Doc. 42-10707; Filed, October 23, 1942;  
9:31 a. m.]

#### FEDERAL POWER COMMISSION.

[Docket No. G-262]

DEPARTMENT OF PUBLIC UTILITIES OF THE  
STATE OF ARKANSAS, ET AL  
ORDER POSTPONING HEARING

OCTOBER 22, 1942.

The Department of Public Utilities of the State of Arkansas, Complainant, v. Memphis Natural Gas Company, Defendant.

It appearing to the Commission that:  
(a) On October 20, 1942, complainant, The Department of Public Utilities of the State of Arkansas, requested that the hearing heretofore ordered to be held in this matter in Room 521, Federal Building, at Little Rock, Arkansas, commencing at 10 a. m., on October 26, 1942, be postponed to a later date;

(b) Good cause has been shown for the postponement of such hearing;

The Commission orders, That:

The hearing in this proceeding, heretofore set to commence on October 26, 1942, be and the same is hereby postponed to such date as shall hereafter be designated by the Commission.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary..

[F. R. Doc. 42-10709; Filed, October 23, 1942;  
9:52 a. m.]

#### FEDERAL TRADE COMMISSION.

[Docket No. 4754]

NEW YORK MERCHANDISE COMPANY, INC.  
ORDER APPOINTING TRIAL EXAMINER, ETC.

Order appointing trial examiner and fixing time and place for taking testimony.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of October, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

*It is ordered*, That Clyde M. Hadley, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Thursday, November 19, 1942, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 42-10719; Filed, October 23, 1942;  
11:19 a. m.]

[Docket No. 4765]

NEW YORK MERCHANDISE COMPANY, INC.  
ORDER APPOINTING TRIAL EXAMINER, ETC.

Order appointing trial examiner and fixing time and place for taking testimony.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of October, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

*It is ordered*, That Clyde M. Hadley, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Tuesday, November 17, 1942, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 42-10720; Filed, October 23, 1942;  
11:19 a. m.]

[Docket No. 4785]

CASTLE COMPANY, INC.

ORDER APPOINTING TRIAL EXAMINER, ETC.

Order appointing trial examiner and fixing time and place for taking testimony.

At a regular session of the Federal Trade Commission, held at its office in

the City of Washington, D. C., on the 22nd day of October, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

*It is ordered*, That Clyde M. Hadley, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Wednesday, October 28, 1942, at eleven o'clock in the forenoon of that day (eastern standard time) in the Hearing Room, Federal Trade Commission Building, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 42-10721; Filed, October 23, 1942;  
11:19 a. m.]

[Docket No. 4820]

CLUB RAZOR AND BLADE MANUFACTURING CORP.

ORDER APPOINTING TRIAL EXAMINER, ETC.

Order appointing trial examiner and fixing time and place for taking testimony.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of October, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

*It is ordered*, That Clyde M. Hadley, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, November 16, 1942, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 42-10722; Filed, October 23, 1942;  
11:20 a. m.]

[Docket No. 4843]

PAUL J. SIMMONS, HARLEM COMPANY  
ORDER APPOINTING TRIAL EXAMINER, ETC.

Order appointing trial examiner and fixing time and place for taking testimony.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of October, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

*It is ordered*, That Clyde M. Hadley, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Wednesday, October 28, 1942, at ten o'clock in the forenoon of that day (eastern standard time) in the Hearing Room, Federal Trade Commission Building, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.[F. R. Doc. 42-10723; Filed, October 23, 1942;  
11:20 a. m.]

## OFFICE OF PRICE ADMINISTRATION.

[Order 3 Under RPS 10]

## CUMBERLAND IRON COMPANY

## ORDER DENYING PETITION FOR EXCEPTION

Order No. 3 under Revised Price Schedule No. 10—Pig Iron—Docket No. 3010-3.

On July 30, 1942, Cumberland Iron Company, Cumberland Furnace, Tennessee, filed a petition for an exception pursuant to § 1306.55 (b) of Revised Price Schedule No. 10. Due consideration has been given to the petition and an opinion in support of this Order No. 3 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration: *It is hereby ordered*: That said petition be and it hereby is denied.

Issued and effective this 22d day of October 1942.

LEON HENDERSON,  
Administrator.[F. R. Doc. 42-10668; Filed, October 22, 1942;  
12:31 p. m.]

No. 210—7

[Order 19 Under RPS 57]

## FIRTH CARPET COMPANY

## APPROVAL OF MAXIMUM PRICE

Order No. 19 under Revised Price Schedule No. 57—Wool Floor Coverings.

On September 8, 1942, the Firth Carpet Company of 295 Fifth Avenue, New York, N. Y., filed an application pursuant to § 1352.4 of Revised Price Schedule No. 57 for permission to manufacture a new fabric and for approval of a maximum price thereof. The new fabric was designated in the application as "Ranger".

Due consideration has been given to the application and an opinion issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250: *It is hereby ordered*:

(a) The Firth Carpet Company may sell, offer to sell or deliver the following new fabric at prices no higher than those specified below:

"Ranger" \$1.96 per square yard f. o. b. mill,  
"Ranger" \$23.35 per 9 x 12 size f. o. b. mill,  
subject to discounts, allowances, rebates, and terms no less favorable than those in effect with respect to the maximum price for "Grantley" as established by Revised Price Schedule No. 57. Other sizes and zone maximum prices of "Ranger" shall be determined on the basis of the same differentials as established by Revised Price Schedule No. 57 between the square yard f. o. b. mill and the other sizes and zone maximum prices of "Grantley".

(b) This Order No. 19 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1352.11 of Revised Price Schedule No. 57 shall apply to terms used herein.

(d) This Order No. 19 shall become effective on the 23d day of October 1942.

Issued this 22d day of October 1942.

LEON HENDERSON,  
Administrator.[F. R. Doc. 42-10669; Filed, October 22, 1942;  
12:34 p. m.]

[Order 17 Under MPR 120, Amendment 1]

## BELLINGHAM COAL MINES, INC.

## ORDER CHANGING EFFECTIVE DATE

Amendment No. 1 to Order No. 17 under Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant—Docket No. 1120-50-P.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250: *It is ordered*:

Paragraph (e) of Order No. 17 under Maximum Price Regulation No. 120 is

amended by redesignating that paragraph as paragraph (e) (1) and adding a new paragraph as paragraph (e) (2), all as set forth below:

(e) (1) Order No. 17 shall be effective as of May 18, 1942.

(e) (2) Amendment No. 1 to Order No. 17 shall become effective October 22, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of October 1942.

LEON HENDERSON,  
Administrator.[F. R. Doc. 42-10670; Filed, October 22, 1942;  
12:33 p. m.]

[Order 64 Under MPR 120]

## ATLANTIC SMOKELESS COAL CO., ET AL.

## ORDER GRANTING ADJUSTMENTS

Order No. 64 under maximum price regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket Nos. 3120-69, 3120-71 and 3120-91—Granting adjustments to Atlantic Smokeless Coal Company, Atlantic Coal Sales Company, and Darr Smokeless Coal Company.

For the reasons set forth in the opinion issued simultaneously herewith and pursuant to authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250: *It is hereby ordered*, That:

(a) The Atlantic Smokeless Coal Company, the Atlantic Coal Sales Company and the Darr Smokeless Coal Company, all of Asco, West Virginia, may sell and deliver, and any person may buy and receive, the bituminous coal described in paragraph (b) (1) at prices not to exceed the price stated therein, and the said Atlantic Smokeless Coal Company may further sell and deliver, and any person may buy and receive, the bituminous coal described in paragraph (b) (2) at prices not to exceed the respective prices stated therein:

(b) (1) Coals in Size Groups 8, 9, and 10 produced in District No. 7, at the Asco No. 1 Mine (Mine Index No. 8) of the Atlantic Smokeless Coal Company, at the Asco No. 2 Mine (Mine Index No. 220) of the Atlantic Coal Sales Company, and at the Asco No. 3 Mine (Mine Index No. 237) of the Darr Smokeless Coal Company may be sold for shipment by rail at prices not to exceed \$2.60 per net ton, f. o. b. the mine;

(2) Coals in Size Groups 1 and 2 produced in District No. 7 at the Asco No. 1 Mine (Mine Index No. 8) of the Atlantic Coal Sales Company may be sold for shipment by rail at prices per net ton, f. o. b. the mine, not to exceed \$3.25 and \$3.50, respectively;

(c) This Order No. 64 may be revoked or amended by the Price Administrator at any time;

(d) Unless the context otherwise requires, the definitions set forth in

## FEDERAL REGISTER, Saturday, October 24, 1942

§ 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein;  
(e) This Order No. 64 shall become effective October 23, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 22d day of October 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-10667; Filed, October 22, 1942;  
12:30 p. m.]

[Order 29 Under MPR 122]

W. P. JOHNSON AND SON, INC.

## ORDER GRANTING ADJUSTMENT

Order No. 29 under Maximum Price Regulation No. 122—Solid Fuels Delivered From Facilities Other Than Producing Facilities—Dealers—Docket No. 3122-202.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator and in accordance with § 1340.257a (c) of Maximum Price Regulation No. 122: *It is hereby ordered*:

(a) W. P. Johnson and Son, Inc., of Verona, New Jersey, may sell and deliver, and the County of Essex, New Jersey, may buy and receive rice and barley sizes of anthracite coal in the quantities, at the maximum prices, and for the institutions stated in paragraph (b) below;

(b)

Institution	Quantities	Maximum prices per net ton
Essex County Penitentiary.	1,750 net tons of rice.	\$5.98
Essex County Penitentiary.	1,750 net tons of barley.	5.23
Essex County Sanitorium.	3,500 net tons of rice.	6.08

(c) This Order No. 29 may be revoked or amended at any time;

(d) Unless the context otherwise requires, the definitions set forth in § 1340.258 of Maximum Price Regulation No. 122 shall apply to the terms used herein;

(e) This Order No. 29 shall become effective October 23, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 22d day of October 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-10671; Filed, October 22, 1942;  
12:29 p. m.]

[Order 30 Under MPR 122]

FUELS, INCORPORATED

## ORDER GRANTING ADJUSTMENT

Order No. 30 under Maximum Price Regulation No. 122—Solid Fuels De-

livered From Facilities Other Than Producing Facilities—Dealers—Docket No. 3122-189.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.257a (c) of Maximum Price Regulation No. 122, *It is hereby ordered*:

(a) Fuels, Incorporated of Kearny, New Jersey, may sell and deliver to the Board of Education of East Orange, New Jersey, and that purchaser may buy and receive rice size anthracite coal at prices not in excess of \$5.21 per ton;

(b) This Order No. 30 may be revoked or amended at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1340.258 of Maximum Price Regulation No. 122 shall apply to the terms used herein;

(d) This Order No. 30 shall become effective October 23, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 22d day of October 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-10672; Filed, October 22, 1942;  
12:32 p. m.]

[Order 28 Under MPR 148]

FARRIS AND COMPANY

## ORDER GRANTING PETITION FOR ADJUSTMENT

Order No. 28 under Maximum Price Regulation No. 148—Dressed Hogs and Wholesale Pork Cuts—Docket No. 3148-60.

On August 11, 1942, Farris and Company, Jacksonville, Florida, filed a petition docketed as a petition for an adjustment pursuant to § 1364.29 (a) of Maximum Price Regulation No. 148. Due consideration has been given to the petition, and an opinion in support of this Order No. 28 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended and Executive Order No. 9250, and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered*:

(a) Farris and Company may sell and deliver, and agree, offer, solicit and attempt to sell and deliver the kinds of wholesale pork cuts referred to in paragraph (b), at prices not in excess of those stated in such paragraph. Any person may buy and receive such kinds of wholesale pork cuts at such prices from Farris and Company:

(b)

Cents per pound

Sliced bacon, 1st grd. ½ # pkg.	34½
Sliced bacon, 1st grd. 1 # pkg.	33½
Smoked bacon, 1st grd. rind on.	27½
Smoked bacon, 1st grd. derinded.	28½
Smoked bacon, reg. 8/12 # avg.	26
Smoked bacon, clear.	20½
Canadian bacon.	47
Smoked skinned hams, 1st grd.	32
Boiled hams.	47½
Smoked shoulders.	26½
Smoked picnic ham, regular.	25½
Smoked picnic ham, shankless.	27
Pork loins, fresh or frozen 8/12.	29
Pork loins, fresh or frozen 12/18.	27½
Skinned hams, fresh or frozen 10/20.	29½
Skinned hams, fresh or frozen 20/25.	29

(c) The permission granted to Farris and Company in this Order No. 28 is subject to the following conditions: that the several prices specified in paragraph (b) shall apply only during the period April 1 to November 30, inclusive, of any year during which Maximum Price Regulation No. 148 is in effect and that during the period December 1 to March 31, inclusive, the maximum prices at which Farris and Company may sell or deliver or agree, offer, solicit or attempt to sell or deliver and at which any person may buy or receive or agree, offer, solicit or attempt to buy or receive from Farris and Company each pork cut specified shall be the seller's maximum price for such cut as determined under the provisions of § 1364.22 of Maximum Price Regulation No. 148.

(d) All prayers of the petition not granted herein are denied.

Issued this 22d day of October 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-10673; Filed, October 22, 1942;  
12:32 p. m.]

(e) This Order No. 28 may be revoked or amended by the Price Administrator at any time.

(f) Unless the context otherwise requires, the definitions set forth in § 1364.32 of Maximum Price Regulation No. 148 shall apply to terms used herein.

(g) This Order No. 28 shall become effective October 23, 1942.

Issued this 22d day of October 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-10674; Filed, October 22, 1942;  
12:30 p. m.]

[Order 11 Under § 1499.161 (a) of MPR 188]

WEST VIRGINIA BRICK CO.

AUTHORIZATION OF MAXIMUM PRICE

Order No. 11 under § 1499.161 (a) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and E.O. 9250 and § 1499.161 (a) of Maximum Price Regulation No. 188, *It is hereby ordered that:*

(a) The West Virginia Brick Company, of Charleston, West Virginia, may sell and deliver, and any person may buy and receive from the West Virginia Brick Company the following commodity at a price not higher than that set forth below.

The maximum price for West Virginia pavers (a paving brick) shall not exceed \$21.23 per thousand f. o. b. plant, Charleston, West Virginia.

(b) This Order No. 11 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 11 shall become effective October 23, 1942.

Issued this 22d day of October 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-10675; Filed, October 22, 1942;  
12:30 p. m.]

[Order 12 Under § 1499.158 of MPR 188]

COLUMBIA VARNISH COMPANY

AUTHORIZATION OF MAXIMUM PRICES

Order No. 12 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as

amended, and Executive Order No. 9250, and § 1499.158 of Maximum Price Regulation No. 188, *It is hereby ordered:*

(a) Maximum prices for sales of *Fiesta Cold Coat and Columbite Cold Coat by the Columbia Varnish Company of Los Angeles, California*. The Columbia Varnish Company, of 2460 East 24th Street,

Los Angeles, California, is hereby authorized to sell, offer to sell and deliver, and any person is hereby authorized to purchase from said Company, *Fiesta Cold Coat and Columbite Cold Coat*, ready-mixed interior water paints of the resin-oil emulsion type, at prices not in excess of those set forth below:

FIESTA COLD COAT

		Wholesale	Painter	Retail
White	5 gallon cans	1.80 gal.	2.15 gal.	2.75 gal.
	1 gallon cans	1.90 gal.	2.25 gal.	2.85 gal.
	1 quart cans	.55 ea.	.64 ea.	.79 ea.
Regular pastel tints	5 gallon cans	1.90 gal.	2.25 gal.	2.85 gal.
	1 gallon cans	2.00 gal.	2.35 gal.	2.95 gal.
	1 quart cans	.58 ea.	.66 ea.	.81 ea.

FIESTA COLD COAT—DEEP COLORS

Raw sienna, burnt sienna, raw umber, burnt umber and black.	1 gallon cans	2.75 gal.	3.30 gal.	4.12 gal.
Bright red and deep blue.	1 quart cans	.76 ea.	.91 ea.	1.14 ea.
	1 gallon cans	3.95 gal.	4.74 gal.	5.95 gal.
	1 quart cans	1.06 ea.	1.27 ea.	1.65 ea.
Light and medium yellow, red orange, deep green, turquoise and magenta.	1 gallon cans	5.77 gal.	6.92 gal.	8.65 gal.
	1 quart cans	1.52 ea.	1.88 ea.	2.35 ea.

COLUMBITE COLD COAT

White	5 gallon cans	1.55 gal.	1.80 gal.	2.05 gal.
	1 gallon cans	1.65 gal.	1.96 gal.	2.15 gal.
	1 quart cans	.49 ea.	.57 ea.	.61 ea.

COLUMBITE COLD COAT—DEEP COLORS

Raw sienna, burnt sienna, raw umber, burnt umber, red oxide, yellow ochre, and black.	1 gallon cans	1.85 gal.	2.22 gal.	2.45 gal.
Cobalt blue, chrome green, and ultramarine blue.	1 quart cans	.54 ea.	.63 ea.	.69 ea.
	1 gallon cans	3.00 gal.	3.60 gal.	3.96 gal.
	1 quart cans	.83 ea.	.98 ea.	1.07 ea.
Italian blue, turquoise blue, toluidine red, chrome yellow and magenta.	1 gallon cans	4.00 gal.	4.80 gal.	5.28 gal.
	1 quart cans	1.08 ea.	1.28 ea.	1.40 ea.
Madder lake.	1 gallon cans	4.25 gal.	5.20 gal.	5.72 gal.
	1 quart cans	1.14 ea.	1.38 ea.	1.51 ea.

Special Tints or Deep Colors according to purchaser's requirements shall have a maximum price of not more than \$1.00 per gallon above the maximum prices as set forth above.

(b) All applicable discounts, terms and conditions of sale, differentials for different sizes and other trade practices in force for Columbia Varnish Company in March 1942 shall be maintained, unless the discontinuance or the modification thereof results in a lower price.

(c) This Order No. 12 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 12 shall become effective on October 23, 1942.

Issued this 22d day of October 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-10676; Filed, October 22, 1942;  
12:32 p. m.]

[Order 13 Under § 1499.158 of MPR 188]

APEX PRODUCTS CORP.

APPROVAL OF MAXIMUM PRICE

Order No. 13 Under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

On August 28, 1942, Apex Products Corporation, 142-146 West 24th Street, New York, New York, filed a request for approval of a maximum price for a new toy designated in the application as "Jocko, the monkey acrobat", pursuant to § 1499.158 of Maximum Price Regulation No. 188.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Apex Products Corporation is authorized to sell or deliver a new toy designated as "Jocko, the monkey acrobat", to chain stores at a price no higher than \$0.05 per unit, delivered.

(b) This Order No. 13 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 13 shall become effective on the 23d day of October 1942.

Issued this 22d day of October 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-10677; Filed, October 22, 1942;  
12:33 p. m.]

## FEDERAL REGISTER, Saturday, October 24, 1942

[Order 18 Under RPS 57]

## ALEXANDER SMITH &amp; SONS CARPET COMPANY

## APPROVAL OF MAXIMUM PRICE

Order No. 18 Under Revised Price Schedule No. 57—Wool Floor Coverings.

On September 22, 1942, the Alexander Smith & Sons Carpet Company, Yonkers, New York, filed an application pursuant to § 1352.4 of Revised Price Schedule No. 57 for permission to manufacture a new fabric and for approval of a maximum price thereof. The new fabric was designated in the application as both "Alderlee" and "Millwood".

Due consideration has been given to the application and an opinion issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) The Alexander Smith & Sons Carpet Company may sell, offer to sell, or deliver the following new fabric at prices no higher than those specified below:

Millwood—\$2.00 per square yard f. o. b. mill.  
Millwood—23.95 for the 9 x 12 size, f. o. b. mill,

subject to discounts, allowances, rebates, and terms no less favorable than those in effect with respect to the maximum prices for "Hartsdale" as established by Revised Price Schedule No. 57. Other sizes and zone maximum prices of "Millwood" shall be determined on the basis of the same differentials as established by Revised Price Schedule No. 57 between the square yard f. o. b. mill and other sizes and zone maximum prices of "Hartsdale".

(b) The Alexander Smith & Sons Carpet Company may sell, offer to sell, or deliver the following new fabric at prices no higher than those specified below:

Alderlee—\$23.95 for the 9 x 12 size f. o. b. mill

subject to discounts, allowances, rebates, and terms no less favorable than those in effect with respect to the maximum prices for "Special Axminster" as established by Revised Price Schedule No. 57. Other sizes and zone maximum prices of "Alderlee" shall be determined on the basis of the same differentials as established by Revised Price Schedule No. 57 between the 9 x 12 and other size and zone maximum prices of "Special Axminster."

(c) This Order No. 18 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1352.11 of Revised Price Schedule No. 57 shall apply to terms used herein.

(e) This Order No. 18 shall become effective on the 23d day of October, 1942.

Issued this 22d day of October 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-10698; Filed, October 22, 1942;  
3:26 p. m.]

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